

Washington, Friday, August 5, 1960

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### Codification Guide

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# Presidential Documents

## Title 3—THE PRESIDENT

Proclamation 3361
FIRE PREVENTION WEEK, 1960

By the President of the United States of America

#### A Proclamation

WHEREAS preventable, destructive fires continue to be a major cause of human suffering and economic waste in communities throughout the Nation; and

WHEREAS intelligent and determined individual and cooperative action can reduce in great measure this needless waste of our country's resources:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week beginning October 9, 1960, as Fire Prevention Week.

I call upon our people to promote programs for the prevention and control of fires; and I urge State and local governments, the American National Red Cross, the Chamber of Commerce of the United States, and business, labor, and farm organizations, as well as schools, civic groups, and public-information agencies, to share actively in observing Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in this national effort to reduce the loss of life and property resulting from fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-ninth day of July in the year of our Lord nineteen hundred [SEAL] and sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER

By the President: .

CHRISTIAN A. HERTER, Secretary of State.

[F.R. Doc. 60-7356; Filed, Aug. 3, 1960; 4:20 p.m.]

#### **Proclamation 3362**

## DETERMINING CERTAIN DRUGS TO BE OPIATES

By the President of the United States of America

#### **A** Proclamation

WHEREAS section 4731(g) of the Internal Revenue Code of 1954 provides in part as follows:

OPIATE.—The word "opiate", as used in this part shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act; 52 Stat. 1041, section 201(g); 21 U.S.C. 321) found by the Secretary or his delegate, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary or his delegate. \* \* \*;

AND WHEREAS the Secretary of the Treasury, after due notice and oppor-

tunity for public hearing, has found that each of the following-named drugs has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

1. Benzethidine (Ethyl 1-(2-benzyloxyethyl)-4-phenyl-4-piperidine carboxylate).

2. Furethidine (Ethyl 1-(2-tetrahydrofur-furyloxyethyl)-4-phenyl-4-piperidine carboxylate).

3. 2 - (p-Chlorobenzyl) - 1 - diethylaminoethyl-5-nitrobenzimidazole.

4. 2 - (p-Ethoxybenzyl) - 1 - diethylaminoethyl-5-nitrobenzimidazole.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found that each of the aforementioned drugs has an addiction-forming or addiction-sustaining liability similar to morphine and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this twenty-ninth day of July in the year of our Lord nineteen hundred and

[SEAL] sixty, and of the Independence of the United States of America the one hundred and eighty-fifth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER, Secretary of State.

[F.R. Doc. 60-7357; Filed, Aug. 3, 1960; 4:52 p.m.]

# Rules and Regulations

### Title 6—AGRICULTURAL **CREDIT**

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B-FARM OWNERSHIP LOANS

[FHA Instruction 428.1]

#### PART 331—POLICIES AND **AUTHORITIES**

#### Average Values of Farms; Missouri

On July 21, 1960, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for 112 of the 114 counties identified below were determined to be as herein set forth. The average values heretofore established for said 112 counties, which appear in the tabulations of average values under 6 CFR 331.17, are superseded by the average values set forth below for said counties.

#### MISSOURI

	Average	_	Average.
County	value	County	value
Adair	\$40,000	Jasper	\$40,000
Andrew	50,000	Jefferson	35,000
Atchison	50,000	Johnson	45,000
Audrain	40,000	Knox	40,000
Barry	30,000	Laclede	30,000
Barton	40,000	Lafayette	50,000
Bates	40,000	Lawrence	35,000
Benton	35,000	Lewis	40,000
Bollinger	35,000	Lincoln	40,000
Boone	40,000	Linn	40,000
Buchanan .	50,000	Livingston _	40,000
Butler	40,000	McDonald	30,000
Caldwell	40,000	Macon'	40,000
Callaway	40,000	Madison	30,000
Camden	30,000	Maries	30,000
Cape	00,000	Marion	40,000
Girardeau_	40,000	Mercer	40,000
Carroll	45,000	Miller	30,000
Carter	25,000	Mississippi	50,000
Cass	45,000	Moniteau	35,000
Cedar	30,000	Monroe	40,000
Chariton	45,000	Montgomery	40,000
Christian	35, 000	Morgan	35, 000
Clark	40,000	New Madrid	50,000
Clay	50,000	Newton	35,000
Clinton	45,000	Nodaway	50,000
Cole	35,000	Oregon	25,000
Cooper	40,000	Osage	30,000
Crawford	30,000	Ozark	30,000
Dade	35,000	Pemiscot	50,000
Dallas	30,000	Perry	40,000
Daviess	40,000	Pettis	40,000
De Kalb	40,000	Phelps	30,000
Dent	30,000	Pike	40,000
Douglas	30,000	Platte	50,000
Dunklin	50,000	Polk	35,000
Franklin	35, 000	Pulaski	30,000
Gasconade _	30, 000	Putnam	40,000
Gentry	40,000		40,000
Greene	40,000	Ralls Randolph	40,000
Grundy	40,000		45,000
Harrison	40,000	Ray Reynolds	
Henry	40,000		25,000 30,000
Hickory	30,000	St. Charles	40,000
Hickory	50,000	St. Clair	35,000
Howard	40,000	StFrancois	30,000
Howell	30,000	StFrancois Ste.	50,000
Iron	30,000	Genevieve	35, 000
Jackson	50,000	St. Louis	
OWOVPOIT	JU, 000	Do. Louis	40,000

#### MISSOURI-Continued

	Average		Average
County	value	County .	value
Saline	\$50,000	Taney	\$25,000
Schuyler	40,000	Texas	30,000
Scotland	40,000	Vernon	40,000
Scott	50,000	Warren	35,000
Shannon	25,000	Washington	30,000
Shelby	40,000	Wayne	30,000
Stoddard	50,000	Webster	30,000
Stone	30,000	Worth	40,000
Sullivan	40,000	Wright	30,000
(Sec. 41, 50	Stat. 528.	as amended;	7 U.S.C.
		Sec. of Agr.,	
74, 22 F.R. 81			

Dated: July 29, 1960.

H. C. SMITH. Acting Administrator, Farmers Home Administration.

[F.R. Doc. 60-7293; Filed, Aug. 4, 1960; 8:47 a.m.]

### Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

#### PART 28—COTTON CLASSING, TEST-ING, AND STANDARDS

#### Subpart E-Cotton Fiber and **Processing Tests**

REVISIONS IN SCHEDULE OF TESTS AND FEES

Pursuant to authority contained in section 3c of the Cotton Statistics and Estimates Act (sec. 3c, 50 Stat. 62; 7 U.S.C. 473c), § 28.956 of the regulations for cotton fiber and processing tests is hereby amended to read as follows:

#### § 28.956 Prescribed fees.

Fees for fiber and processing tests shall be assessed as listed below:

Item No., Kind of Test, and Fee per Test

1.	Truncated fiber length array of
	cotton samples (reporting the
	percentage of fibers 1/2 inch and
	longer and the mean length and
	uniformity of length of such
	fibers as based on 3 specimens
	from a blended sample):

a. Ginned cotton lint, per sample. \$12.50 b. Comber noils, per sample\_\_\_\_\_ 18.75
c. Other cotton waste, per sample\_ 25.00
2. Fiber length array of cotton sam-

- ples (reporting the average percentage of fibers by weight in each 1/8-inch group, the average length, and the average length variability as based on 3 specimens from a blended sample):
- a. Ginned cotton lint, per sample\_\_ b. Cotton comber noils, per sample.

28.00

c. Other cotton wastes, per sample. 2.1. Fiber length array of cotton samples (reporting the average percentage of fibers by weight in each 1/8-inch group, the average length, and the average length

Item No., Kind of Test, and Fee per Test	-Con.
2.1. Fiber length array, etc.—Con.	
variability as based on 2 specimens from a blended sample): a. Ginned cotton lint, per sample. b. Cotton comber noils, per sample. c. Other cotton wastes, per sample. 2.2. Fiber array of cotton samples including purified or absorbent cotton (reporting the average percentage of fibers ½ inch and longer by weight, the average of fibers shorter than ¼ inch by	
weight, the average length, and the average length variability as	
based on 3 specimens from each sample), per sample3. Fiber length of ginned cotton lint by Fibrograph method (reporting the average length and the average length uniformity as based	15. 50
on 4 specimens from a blended sample), per sample	1.75
Minimum fee unless performed in connection with other tests re-	
quiring a blended specimen	3. 50
unblended sub-samples), per sub-sample	1.00
Minimum fee4. Fiber length of ginned cotton lint	4.00
by Digital Fibrograph method (reporting the average length, average length uniformity and average percentage of fibers shorter than ½ inch as based on 4 specimens from a blended sample), per sample	3. 50
by Digital Fibrograph method (reporting the length of each sub-sample and the average length, average length uniformity and average percentage of fibers shorter than ½ inch for each group of replicate sub-samples as based on 2 specimens from each of 3 or more replicate	
unblended sub-samples), per sub-sample Minimum fee	1.75 3.50
5. Fiber strength of ginned cotton lint by flat bundle method (report- ing the average strength as based on 4 or more specimens from a	
blended sample), per sample Minimum fee unless performed in	1.75
connection with other tests requiring a blended specimen 5.1. Fiber strength of ginned cotton	3.50
lint by flat bundle method (re- porting the strength of each sub- sample and the average strength for each group of replicate sub- samples as based on 2 specimens for each of 3 or more replicate unblended sub-samples). per	
sub-sample Minimum fee	1.00 4.00
6. Fiber maturity and fineness of ginned cotton lint by the Causticaire method (reporting the average maturity, fineness, and Micronaire reading as based on a specimens from a blended sam-	•

specimens from a blended sam-

ple), per sample-----

Minimum fee

Item No., Kind of Test, and Fee per Test—Con.	Item No., Kind of Test, and Fee per Test—Con.	Item No., Kind of Test, and Fee per Test—Con.
6.1 Micronaire tests on ginned cot-	12. Cotton combed yarn spinning test	16.1. Processing and furnishing, etc.—
ton lint (reporting the average Micronaire reading as based on	(reporting data on the wastes ex- tracted, the neps in card web, the	continued a. Approx. 300 yards, etc.—Con.
2 specimens from a blended sam-	yarn skein strength, the yarn ap-	
ple), per sample \$0.7		In the following quantities wound on paper tubes:
Minimum fee unless performed in connection with other tests re-	fiber length as specified in items 28 and 3 as well as comments	
quiring a blended specimen 3.0		Per Mini-
6.2 Micronaire tests on ginned cotton	servations as based on the proc-	Yarn number   pound   mum fee
lint (reporting the Micronaire reading for each sub-sample and	essing of 7 pounds of cotton in accordance with standard pro-	
the average Micronaire reading	cedures at one of the standard	b. Carded 60s or coarser \$12.50 \$15.50 c. Combed 60s or coarser 15.50 18.75
for each group of replicate sub- samples as based on 1 specimen	rates of carding of 4½, 6½, or 9½ pounds-per-hour into two of	d. Combed 61s to 80s 18.75 21.75
from each of 2 or more replicate	the standard combed yarn num-	e. Combed 81s to 100s 21.75 25.00
unblended sub-samples), per	bers of 22s, 36s, 44s, 50s, 60s, 80s,	17. Spinning twist test (reporting
sub-sample		data on the skein strength of
7. Neps content of ginned cotton lint	specified), per sample\$50.00	any yarn number processed from ginned lint or stock in process
(reporting the neps per 100 square inches as based on the	Minimum fee 100.00	employing 6 different spinning
web prepared from a 3-gram	13. Cotton carded and combed yarn spinning test (reporting the re-	twist multipliers as specified by
specimen by using accessory	sults specified in item numbers	the applicant for determining the optimum twist) processed as fol-
equipment with the mechanical fiber blender), per sample 2.5	11 and 12 in combination as based on the processing of 9 pounds of	lows:
Minimum fee unless performed in	cotton into two of the standard	a. From ginned lint or picker lap,
connection with other tests requiring a blended specimen 7.5	carded and two of the standard	per sample\$50.00 b. From sliver, per sample 45.00
8. Furnishing American cotton for	combed yarn numbers employing the same carding rate and the	c. From roving, per sample 40.00
laboratory check test (including	same yarn numbers for both the	17.1. Additional spinping twist test
data for length by both array and Fibrograph methods,	carded and the combed yarns),	(from the same material and in connection with a spinning test
strength by flat bundle method	per sample 62.50 Minimum fee 125.00	or a spinning twist test as speci-
%-inch gauge, maturity and fine-	<ol><li>14. Cotton carded and combed yarn</li></ol>	fied in item numbers 11 through 14 and 17 reporting data on yarn
ness by the Causticaire method):  a. Short staple, per 1-pound sam-	spinning test (reporting the re- sults specified in item numbers	skein strength for an additional
ple 7. 5	11 and 12 in combination as	yarn number or additional twists
b. Medium staple, per 1-pound sample 7.5	based on the processing of 9	on the same yarn number), per 6 lots of yarn 30.00
sample 7.5 c. Long staple, per 1-pound sam-	pounds of cotton into two of the standard carded and two of the	18. Skein strength of yarn (reporting
ple 7. 5	standard combed yarn numbers	data on the strength and the yarn
d. Extra long staple, per 1-pound sample	employing different carding rates	numbers based on 25 skeins from yarn furnished by the applicant),
9. Blending samples of ginned cotton	corded and combed varus), per	per sample 3.00
lint (including the blending of	sample 75.00	18.1. Single strand strength of yarn (reporting data on the strength
a 10-gram sample on the me- chanical fiber blender and re-	Minimum fee 150.00	as based on a minimum of 10
turning the blended sample to	15. Two-pound cotton carded yarn spinning test (available to cotton	breaks on yarn from each of 7
the applicant), per sample 1.2 10. Moisture content of ginned cotton	breeders only reporting data on	bobbins employing an automatic testing machine), per sample 3.75
lint, cotton stock at various	the neps in card web, the yarn skein strength, the yarn appear-	Minimum fee 7.50
stages of processing, and cotton	ance and the classification and	a. Furnishing copy of chart record, per test 1.25
lint waste of various types (re- porting the percentage of mois-	the fiber length of the cotton as	18.2. Single strand strength of ply
ture content by the oven-drying	specified in item numbers 28 and 3 as well as comments on any un-	yarn or cord (reporting data on
method as based on a 20-gram specimen), per sample 1.0	usual processing performance as	the strength as based on 25 breaks employing a pendulum
Minimum fee 4.0		type testing machine), per
10.1. Moisture regain of ginned cot-	with standard procedures into	sample
ton lint at 92 percent relative hu- midity (reporting the average	22s and 36s carded yarns employ- ing a standard twist multiplier),	bobbins furnished by applicant
percentage of moisture regain as	per sample 25.00	(reporting the appearance grade
based on the bone-dry weight of two ½-gram specimens), per	Minimum fee 50.00	in accordance with ASTM stand- ards as based on yarn wound
sample 1.5		from one bobbin), per bobbin 1.25
Minimum fee 6.0  11. Cotton carded yarn spinning test	combed yarn number processed	a. Furnishing yarn would on boards in connection with yarn
(reporting data on the wastes ex-	in connection with spinning tests	appearance tests as specified
tracted, the neps in card web, the	as specified in item numbers 11 through 14 including either addi-	in item numbers 11 through
yarn skein strength, the yarn ap- pearance, and classification and	tional yarn numbers or additional "	15 and 18.3, per yarn number 1.25 19. Processing, weaving, and testing
fiber length as specified in items	twist multipliers employed on the same yarn numbers):	of fabric (reporting data on the
28 and 3 as well as comments	a. Single yarn reporting data on	warp and the filling strength by
summarizing any unusual ob- servations as based on the proc-	skein strength and appearance, per additional lot of yarn 6.25	the grab method for any stand- ard cotton fabric for which the
essing of 5 pounds of cotton in	b. 2- or 3-ply yarn reporting data	laboratories are equipped to pro-
accordance with standard labo-	on skein strength only, per lot	duce which are processed in
ratory procedures at one of the	of yarn 12.50	accordance with standard labora- tory procedures):
standard rates of carding of 6½, 9½, or 12½ pounds-per-hour into	ditional yarn (any yarn number	a. Processed in connection with
two of the standard carded yarn	processed in connection with spinning tests as specified in	spinning tests as specified in
numbers of 8s, 14s, 22s, 36s, 44s,	items 11 through 14):	item numbers 11 through 14, per lot of fabric 90.00
or 60s, employing a standard twist multiplier unless otherwise	a. Approximately 300 yards on each	per lot of fabric 90.00 b. Processed from yarns furnished
specified), per sample 37.5	of 16 paper tubes for testing by the applicant, per additional	by the applicant, per lot of
Minimum fee 75.0	0 lot of varn 12.50	fabric 75.00
* **		4.4

			•		
Item No., Kind of Test, and Fee per Tes	Con.	Item No., Kind of Test, and Fee per Test	Con.	Item No., Kind of Test, and Fee per Test—Co	on.
20. Strength of cotton fabric (re-		23.2. Furnishing color standards (in-		31. Bleaching and testing of cotton	
porting the average warp and		cluding a set of standards and		yarn (reporting data on the color	
filling strength by the grab method as based on 5 breaks for		a master diagram for use in cali-		of the yarn in terms of Rd reflec-	
both warp and filling of fabric		brating Nickerson-Hunter cotton colorimeters), per set		tance values and plus b degree of	
furnished by the applicant),		24. Furnishing copies of test data		yellowness values as based on the measurement of two 120-yard	
per lot of fabric	\$3.00	work sheets (includes individual		skeins either processed in con-	
20.1 Cotton Fabric Analysis (report-		observations and calculations		nection with spinning test item	
ing data on the number of warp and filling threads per inch and		which are not routinely furnished to the applicant), per sheet	1.00	numbers 11 through 14 or fur-	
the weight per yard of fabric as		25. Foreign matter content of cotton		nished by the applicant and bleached in accordance with	
based on at least three (3) 6 x 6-	٠.	samples (reporting data on the		standard laboratory procedures),	
inch specimens of fabric which was processed as specified in item		non-lint content as based on the Shirley Analyzer separation of	•	per lot of yarn \$4	. 00
number 19, or furnished by the		lint and foreign matter):	,		. 00
applicant), per lot of fabric	6. 25	a. For samples of ginned lint or		32. Bleaching, dyeing and testing of cotton yarn (reporting data on	
Minimum fee	12. 50	comber noils, per 100-gram		the color of the dyed yarn in	
20.2 Sizing content of cotton fabric or yarn (reporting data on sizing		specimen Minimum fee	2.00 4.00	terms of Rd reflectance values	^
content as based on the desizing		b. For samples of ginning and	4.00	and minus o degree of bideness	
of a 20 to 40 gram specimen of	**	processing wastes other than		values as based on the measure- ment of two 120-yard skeins	
sized and, if available, unsized		comber noils, per 100-gram		either processed in connection	
fabric or yarn which was proc- essed as specified in item num-		specimen Minimum fee	5.00 10.00	with spinning test item num-	
ber 19 or furnished by the ap-		26. Furnishing identified cotton sam-	10.00	bers 11 through 14 or furnished	
plicant), per lot of fabric or yarn_	6. 25	ples (includes samples of ginned	/	by the applicant and bleached then dyed in accordance with	
Minimum fee	25.00	lint, stock at any stage of proc-		standard laboratory procedures),	
20.3. Air-permeability of cotton fab- ric (reporting the average cubic		essing or testing, waste of any type, yarn or fabric selected and			. 00
feet of air per minute per square		identified in connection with			. 00
foot of fabric at a pressure drop		fiber and/or spinning tests), per		33. Dyeing and testing of grey cotton yarn (reporting data on the color	
of 0.5 inches of water across the fabric as based on five 10 x 10-		identified sample	. 75	of the dyed yarn in terms of Rd	
inch specimens), per lot of		27. Furnishing additional copies of test reports (includes extra copies		reflectance values and minus b	
fabric	3.00	in addition to the 2 copies rou-		degree of blueness values as based	
Minimum fee	6.00	tinely furnished in connection		on the measurement of two 120-	
21. Neps and waste test (reporting data on neps in card web and		with each test item), per addi-		yard skeins either processed in connection with spinning test	
wastes extracted in the process-		tional sheet 27.1. Furnishing a certified relisting	. 50	item numbers 11 through 14 or	
ing of a 5-pound specimen of		of test results (includes samples		furnished by the applicant and	
ginned cotton lint through the		or sub-samples selected from any		dyed in accordance with stand- ard laboratory procedures), per	
picking and carding processes in accordance with standard pro-		previous tests), per sheet	2. 50		. 00
cedures as specified in item num-	,	28. Classification of ginned cotton lint in connection with fiber and		Minimum fee 40.	. 00
bers 11 and 12, per sample	9.00	or processing tests (includes		34. Luster of cotton yarn (reporting	
21.1. Determination of neps in card web of cotton (reporting the		grade and staple classification of		data on the percent luster of grey or mercerized yarn either proc-	
average number of neps per 100		4-ounce samples in accordance		essed in connection with spinning	
square inches of web in speci-		with the applicable American standards for the cotton sub-		test item numbers 11 through 14	
mens furnished by the applicant on boards covered with black vel-		mitted), per sample	. 25	or furnished by the applicant as based on the measurement of two	
vet not to exceed 10 specimens or		29. Combination fiber test including	, `		. 00
a total of 360 square inches),		test item numbers 3, 5, and 6,			. 00
per test	1.75	per sample	5.00	35. Color of cotton yarn (reporting	
<ol> <li>Sugar content and acid-alkalinity of ginned cotton lint (reporting</li> </ol>		Minimum fee	10.00	data on the color of grey, bleached, dyed or bleached and	
data on the percentage of soluble		a. When tested in connection with spinning test item numbers 11,		dyed yarn either processed in	
reducing sugar content and the		12, 13, 14 and 15, per sample_	3.75	connection with spinning test	
acid-alkalinity in pH units as based on chemical-colorimetric		Minimum fee	7. 50	items 11 through 14 or furnished	
and electronic meter tests on		29.1. Combination fiber test includ-		by the applicant as based on the measurement of two 120-yard	
water extracts), per sample	1.25	ing test items 3, 5 and 6.1, per-			.00
Minimum fee	6. 25	sample	3.75	Minimum fee 3.	. 00
22.1. Sugar content only, per sample. Minimum fee	1.00 5.00	a. When tested in connection with		(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c. Interp	
22.2. Acid-alkalinity only, per sam-		spinning test item numbers 11, 12, 13, 14 and 15, per sample	2.00	or apply sec. 3d, 55 Stat. 131; 7 U.S.C. 473	d)
ple	1.00	29.2. Combination fiber test includ-	4.00	The amendment reflects increases	in
Minimum fee	5.00	ing test items 3.1, 5.1 and 6.2 (on		the prices of most fiber and processi	
porting data on the reflectance		3 or more replicate sub-samples),		tests. These increases have become ne	
in terms of Rd values and the		per-sub-sample	1.75	essary to more nearly cover the costs	or
degree of yellowness in terms of b values as based on color tests	•	Minimum fee	5. 25	performing such tests.	. A
employing the Nickerson-Hunter		30. Mercerizing and testing of cotton		Compliance with the procedural a effective date requirements of section	
colorimeter on samples which		yarn (reporting data on the luster of two 120-yard skeins and		of the Administrative Procedure Act	
have a uniform surface measur-		strength of the yarn as based on		hereby found to be impracticable, unne	
ing 5 x 6½ inches and weighing approximately 50 grams in order		twenty-five 120-yard skeins mer-		essary, and contrary to the public inte	
to provide specimens which are		' cerized in accordance with stand-		est for the reasons that: (1) Legislatic	
sufficiently thick to be opaque).		ard laboratory procedures):		provides that the fees charged shall	
per sample Minimum fee	. 25 2. 00	a. Including the processing of the		reasonable and shall as nearly as possible	
23.1. Furnishing color diagrams of of-	⊿. ∪∪	extra yarn in connection with		cover the cost of the service rendere	-
ficial grade standards (reporting		spinning test item numbers 11 through 14, per lot of yarn	12. 50	(2) the cost of such service is peculiar within the knowledge of the Departme	
color values plotted on a diagram		Minimum fee	50.00	and the fees set forth herein are nece	
as based on tests employing the Nickerson-Hunter colorimeter for		b. For yarn furnished by the appli-		sary to more nearly cover such cost is	
standards purchased by the ap-		cant (27 skeins of 120 yards		cluding, but not limited to increased sa	
plicants), per set or portion of	15 00	each required), per lot of yarn.	10.00	aries to Federal employees required	
set	15.00	Minimum fee	40.00	recent legislation (Public Law 86-568	);

(3) it is imperative that the increase in fees become effective as soon as possible; and (4) additional time is not required in order for the industry to make preparation for compliance with this amendment.

Effective date. This amendment shall become effective on the date of its publication in the Federal Register.

Done at Washington, D.C., this 2d day of August 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-7296; Filed, Aug. 4, 1960; 8:48 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

#### PART 728-WHEAT

#### Subpart—Determination of County Normal Yields for 1960

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to correct certain typographical errors in this subpart published in the FEDERAL REGISTER (25 F.R. 6116).

Since the determination of 1960 county normal yields is necessary for use as a guide in the determination of 1960 normal yields for excess farms, it is necessary to make these corrections immediately. Therefore, it is hereby found and determined that compliance with the public notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary, and that these amendments shall become effective upon the date of their publication in the FEDERAL REGISTER. Section 728.1008 Determination of the county normal yields for the 1960 crop of wheat is amended as follows:

1. For the State of New York, as to Westchester County strike out the figures "29:6" and insert in lieu thereof the figures "30.8".

2. As to the State of Pennsylvania, for the County of Clarion, strike out the figures "23.4" and insert in lieu thereof the figures "23.1" and for the County of Tioga, strike out the figures "23.4" and insert in lieu thereof the figures "24.3".

3. As to the State of Wyoming, insert an asterisk before the Counties of Natrona, Niobrara and Park, which indicates that said counties have special wheat cultural practices.

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375)

Issued at Washington, D.C., this 1st day of August 1960.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-7301; Filed, Aug. 4, 1960; 8:48 a.m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 4]

# PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

#### Requirements and Quotas for 1960

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to Sec. 201 of the Sugar Act of 1948, as amended, and as further amended by Public Law 86-592, approved July 6, 1960 (hereinafter called the Act). the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1960 and to establish sugar quotas for the supplying areas except Cuba in terms of short tons of sugar, raw value. By Proclamation No. 3355, effective July 8, 1960 (25 F.R. 6414), the President of the United States, acting pursuant to the provisions of section 408(b) of the Act, determined that the sugar quota for Cuba for the balance of the calendar year 1960 should be 39.752 short tons, raw value, plus the sugar certified prior to July 3. 1960, for entry but not then entered or withdrawn from warehouse. This regulation establishes quotas for 1960 for domestic areas and for foreign countries other than Cuba pursuant to the provisions of section 202 of the Act and also establishes for domestic areas and foreign countries other than Cuba the amounts of certain quotas that may be filled by direct-consumption sugar pursuant to section 207 of the Act.

The Act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1960 is necessary.

The purpose of this amendment is to (1) make such determination conform to the requirements of consumers as indicated on the basis of factors specified in Sec. 201 of the act, as amended, (2) establish sugar quotas for the supplying areas, except Cuba, in terms of short tons, raw value, and (3) determine and prorate deficits in the quotas for Hawaii, Puerto Rico and the Virgin Islands for sugar to be marketed in the continental United States in 1960, as established in § 811.2 as amended herein, in accordance with section 204(a).

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota. By Proclamation No. 3355 the President of the United States delegated to the Secretary of Agriculture the authority vested in the President by section 408(b)(2) and section 408(b)(3) of the Act, such authority to be exercised with the concurrence of the

Secretary of State. By virtue of such delegation of authority, and pursuant to section 204(a) and section 408(b) (2) of the Act, deficits were determined in Amendment 3 of Sugar Regulation 811 based upon the expectation that the supply of sugar available for marketing in the continental United States will not exceed 940,444 tons from Hawaii, 893,620 tons from Puerto Rico and 8,618 tons from the Virgin Islands.

The increases in the quotas for these three areas made effective herein by virtue of the 400,000-ton increase in the determination of the United States sugar requirements amount to 49,966 tons for Hawaii, 52,245 for Puerto Rico and 712 tons for the Virgin Islands. On the basis of the expected supply of sugar available for marketing in the continental United States from these three areas, it is hereby found that these areas will be unable to market the additional quantities provided by the increased quotas established herein.

It is further found that the maximum quantities of sugar expected to be available for marketing by the Domestic Beet Sugar Area and the Mainland Cane Sugar Area will not exceed 2,514,945 short tons, raw value, and 773,873 short tons, raw value, respectively, the quantities established by Amendment 3 to this regulation as their adjusted quotas.

The quotas and prorations established herein differ from those in effect under Amendment 3 to Sugar Regulation 811 (25 F.R. 6913). To permit areas for which larger quotas or prorations are hereby established to plan marketings and to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and the Proclamation of the President of the United States No. 3355 (25 F.R. 6414 (§§ 811.1, 811.2, 811.3 and 811.4 are hereby amended to read as follows:

#### § 811.1 Sugar requirements, 1960.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1960 is hereby determined to be 10,400,000 short tons, raw value.

#### § 811.2 Quotas for domestic areas.

(a) For the calendar year 1960 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2) as follows:

[Short tons, raw value]

Area	Quotas	Direct- consump- tion limits
•	(1)	(2)
Domestic beet sugar	2, 267, 301 697, 670 1, 265, 375 1, 323, 111 18, 043	(1) (1) 35, 623 154, 403

1 No limit.

(b) Of the quantity established in paragraph (a) of this section for Puerto Rico which may be filled by direct-consumption sugar, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure.

### § 811.3 Quotas for foreign countries other than Cuba.

For the calendar year 1960 quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in column (2), as follows:

[Short tons, raw value]

Country	Quotas	Direct- consump- tion limits			
	(1)	(2)			
Republic of the Philippines Peru Dominican Republic Mexico Nicaragua Haiti Netherlands China Panama Costa Rica Canada United Kingdom Belgium British Guiana Hong Kong All other countries	980, 000 138, 827 130, 957 115, 809 19, 766 9, 105 4, 427 4, 218 4, 218 4, 202 631 5166 182 84	59, 920 11, 431 10, 191 18, 511 12, 207 7, 000 4, 427 4, 218 4, 202 631 516 182 84 3 0			

## § 811.4 Determination and proration of area deficits and adjusted quotas.

(a) Deficit in quotas established in § 811.2. It is hereby determined pursuant to section 204(a) of the Act, that for the calendar year 1960, Hawaii, Puerto Rico and the Virgin Islands will be unable by 324,931, 429,491, and 9,425 short tons, raw value of sugar, respectively, to market the quotas established in such areas in § 811.2.

(b) Proration of deficits and quotas in effect. The total of the deficits in the quotas determined in paragraph (a) of this section amounts to 763,847 short tons, raw value, of which 323,847 short tons, raw value, are hereby prorated pursuant to section 204(a) of the Act to the other domestic areas as shown below. The balance of the deficits, amounting to 440,000 short tons, raw value, is not herein allocated to Cuba because of the President's Proclamation 3355 effective July 8, 1960 (25 F.R. 6414). The quotas for the domestic areas shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
	(1)	(2)
Domestic beet sugar Mainland cane sugar Hawaii Puerto rico Virgin Islands	247, 644 76, 203 0 0	2, 514, 945 773, 873 1, 265, 375 1, 323, 111 18, 043

Statement of bases and considerations. Sugar refiners in the northeast on July 22 announced a price increase to become effective immediately, which raised wholesale refined sugar prices from 9.40 to 9.70 cents per pound. This action followed an announcement on June 15 which raised the price from 9.20 to 9.40 cents per pound effective as of July 5.

Increases also have been announced for refined sugar in other marketing areas. The price in New York is now at the highest level since 1923. A substantial quantity of raw sugar estimated at about 200,000 tons was purchased by refiners between July 23 and July 27 at prices ranging between 6.65 and 6.75 cents per pound. This represents the highest price for raw sugar since June 1951 and with the exception of a few days, it, too, is the highest price since 1923.

On July 15, the determination of consumers' sugar requirements was increased from 9,600,000 to 10,000,000 tons and in a July 21 action, an additional 617,385 tons of non-quota purchase sugar was allocated to 17 countries, making the total of such sugar now available and allocated 754,619 tons.

Apparently, the demand for sugar has accelerated to the point where supplies can be obtained only at increasing prices. Accordingly, to protect the welfare of consumers, the determination of consumers' sugar requirements is hereby increased to 10,400,000 tons.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 202; 61 Stat. 924; 7 U.S.C. 1112. Pub. Law 86-592; Proclamation No. 3355, 25 F.R. 6414)

Done at Washington, D.C., this 1st day of August 1960.

True D. Morse, Acting Secretary.

[F.R. Doc. 60-7291; Filed, Aug. 4, 1960; 8:47 a.m.]

[Sugar Reg. 818, Amdt. 2]

#### PART 818—REQUIREMENTS RELAT-ING TO NON-QUOTA PURCHASE SUGAR FOR 1960

#### Sources for 1960

Section 818.4 of Part 818 is hereby amended to read as follows:

### § 818.4 Source of non-quota purchase sugar.

For the calendar year 1960 the amount of non-quota purchase sugar to be imported into the continental United

States for consumption therein from foreign countries is as follows:

Sho	rt tons,
Country: rate	v value
Haiti	26, 567
Netherlands	6, 129
China	6, 258
Panama	6, 258
Costa Rica	6, 267
Republic of the Philippines	176, 426
Peru	135,000
Mexico	284, 628
Nicaragua	22,000
Canada	1,657
United Kingdom	1, 355
Belgium	478
Hong Kong	8
British West Indies and British	
Gulana	92, 765
El Salvador	6,000
Guatemala	6,000
Brazil	100, 347

Non-quota purchase sugar is limited to raw sugar except that sugar testing in excess of 99 degrees polarization is authorized for importation into the United States prior to September 30 from Mexico, Nicaragua, Panama, Costa Rica, Netherlands, Canada, United Kingdom, Belgium and Hong Kong, within the quantities established above for such countries, provided such sugar (except refined beet sugar from the Netherlands) in excess of 2,000 tons from any such country is to be further refined or improved in quality in the United States.

Findings and bases and considerations. Pursuant to the Sugar Act of 1948, as amended, and further amended by P.L. 86–592, approved July 6, 1960, the President's Proclamation 3355 (25 F.R. 6414), the purchase of 754,619 short tons, raw value, of non-quota purchase sugar from other foreign countries has been authorized (25 F.R. 6873, 7091).

Sugar Regulation 811, Amendment 4 <sup>1</sup> increased the determination of consumers' sugar requirements to 10,400,000 short tons, raw value. The quantity of non-quota sugar which may now be authorized for purchase under section 408 (b) and the President's Proclamation is 1,435,900 short tons, raw value.

It is hereby found that the quantity of sugar authorized for purchase should be increased at this time from 754,619 short tons, raw value, to 878,143 short tons, raw value.

Of this latter amount, a total of 51.479 short tons, raw value, has been authorized for purchase from Haiti, Netherlands, China, Panama and Costa Rica under subparagraphs (i) and (iii) of section 408(b)(2). A quantity of 176,426 short tons, raw value, has been authorized for purchase from the Republic of the Philippines under subparagraph (ii) of section 408(b)(2). A quantity of 445,332 short tons, raw value, from countries for which quotas have been established under section 202(c) of the Act has been authorized for purchase under subparagraph (iii) of section 408(b)(2). The quantities for each of the latter group of countries have been established

<sup>&</sup>lt;sup>1</sup> See F.R. Doc. 60-7291 supra.

pro rata to the quotas for such countries under section 202(c) of the Act to the extent of the ability of each such country to supply sugar. The proviso in sub-paragraph (iii) of section 408(b)(2) authorizes the purchase of additional sugar without regard to allocations provided for in subparagraph (i), (ii) and (iii) of that section if additional amounts of sugar are required. Pursuant to that proviso, additional quantities have been authorized for purchase from the following countries in the amounts shown: British West Indies and British Guiana. 92,559, short tons, raw value; Brazil 100,347; El Salvador 6,000; and Guatemala 6.000. Not authorized for purchase at this time is the Dominican Republic apportionment under subparagraph (iii) of section 408(b)(2) of 321,857 short tons, raw value, and the remaining 235.900 short tons, raw value, which has not been apportioned.

The regulation can be amended from time to time to increase or decrease the quantities of sugar authorized for purchase from any of the countries named if it later appears that supplies from any country will not be forthcoming in a manner that meets the requirements of this market.

Raw sugar is not reasonably available in sufficient quantity to supply our requirements during the summer months. Accordingly, sugar testing in excess of 99 degrees polarization may be authorized for purchase for arrival in the United States prior to September 30 from certain countries specified in § 818.4 provided such sugar (except refined beet sugar from the Netherlands) in excess of 2,000 tons from any such specified country is to be further refined or improved in quality in the United States.

To permit such non-quota purchase sugar to be marketed in an orderly manner it is essential that this regulation be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable, and contrary to the public interest, and these amendments to the regulations shall become effective when published in the FEDERAL REGISTER.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153. Interprets or applies secs. 101, 408; 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, P.L. 86-592, approved July 6, 1960)

Done at Washington, D.C., this 2d day of August 1960.

> TRUE D. MORSE. Acting Secretary.

Concurred in for the Secretary of State by:

R. R. RUBOTTOM, Jr. Assistant Secretary of State.

[F.R. Doc. 60-7300; Filed, Aug. 4, 1960; 8:48 a.m.]

SUBCHAPTER G-DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.122, Amdt. 3]

#### PART 850-DOMESTIC BEET SUGAR PRODUCING AREA

#### Proportionate Shares for Farms, 1960 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 850.122 (24 F.R. 10611) (25 F.R. 3574) (25 F.R. 4427) is hereby further amended by adding the following subparagraph (4) to paragraph (b).

(4) Redistribution of unused acreage within State allocations. Whenever the Director determines that a portion of any State acreage allocation established pursuant to this paragraph will not be utilized, all or a portion of such unused acreage may be made available for use in other State(s) wherein he determines that additional acreage will be utilized. No action taken under this subparagraph shall affect the prevented acreage credit that would otherwise be approved for a farm or recorded for a proportionate share area or for a State, as the case may be, in accordance with Part 849 of this chapter (23 F.R. 7286) or amendments thereto.

Statement of bases and considerations. The determination of proportionate shares for the 1960 crop, issued on December 18, 1959, established a national acreage limitation of 985,000 acres. This limitation was increased to 1.000,000 acres on April 20, 1960, to partially offset lower-than-estimated 1959-crop production and to bring the inventory of beet sugar to a more normal level.

In recent weeks, the quota for the beet sugar area has been increased substantially because of increases in the estimated total United States sugar requirements and the proration to the area of quota deficits for Hawaii, Puerto Rico, and the Virgin Islands. Thus, the demand for beet sugar is greater than anticipated. In addition, unfavorable weather during the planting season in several States and the lack of irrigation water in one State have resulted in total plantings therein of about 25,000 acres less than the total of the allocations for such States. Therefore, it appears that the acreages allocated to the States and the resultant proportionate shares will produce less sugar than anticipated. In some of the other sugar beet producing States, acreages have been planted in excess of the allocations, with a total of approximately 6,000 acres being reported as overplanted. Sugar beets of the 1960 crop can still be planted in one section of California.

To increase the supply of beet sugar available to meet quota and carryover requirements, this amendment provides that any acreage remaining unused within a State allocation may be made available for use in other States wherein such acreage may be utilized. Unused acreage will first be distributed to States wherein the State allocations have been exceeded to cover overplantings of the

proportionate shares on individual farms therein and the balance will be made available to farmers in the State where plantings of 1960-crop sugar beets may still be made to the extent that farmers desire and have the ability to plant such crop above the proportionate shares established previously. Based upon present information, it is believed that the additional acreage which can be made available to farmers in this State is more than adequate in relation to the acreage that can be utilized.

Because this action is taken to increase the supply of sugar as a result of circumstances which have arisen since the issuance of the original determination and the amendment thereto. the proportionate shares for the farms affected thereby will exceed those computed for the 1960 crop by application of the factors of past production and ability to produce. Accordingly, it is not contemplated that recognition will be given to any acreage in excess of the proportionate shares previously established in computing proportionate shares or in establishing State allocations or area allotments under forthcoming proportionate share determinations.

Because it is known that the failure to plant sugar beets up to the State allocations in several States was due, at least in some degree, to abnormal and uncontrollable reasons for which prevented acreage credit may be approved pursuant to Sugar Determination 849.2. any action taken pursuant to this amendment will have no effect on the limits of prevented acreage credit heretofore provided.

Accordingly, I hereby find and conclude that the foregoing amendment to the determination will effectuate the applicable provisions of the Sugar Act. as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; interprets or applies secs. 301, 302, 61 Stat. 930, as amended; 7 U.S.C. 1132)

Issued this 1st day of August 1960.

TRUE D. MORSE, Acting Secretary of Agriculture.

[F.R. Doc. 60-7292; Filed, Aug. 4, 1960; 8:47 a.m.]

## Title 15—COMMERCE AND FOREIGN TRADE

Chapter III-Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B-EXPORT REGULATIONS [9th Gen. Rev. of Export Regs.; Amdt. 39]

PART 382-DENIAL OF EXPORT **PRIVILEGES** 

### **Table of Denial and Probation Orders**

In § 382.51 Supplement 1; Table of denial and probation orders currently in effect, paragraph (b) Table of denial and probation orders is amended to read as

23 F.R. 7556, S 9-27-58. 24 F.R. 9948, 12-9-59.

orders.
probation
and
denial
ō
Table
9

(b) Table of denial	and pr	probation orders			Name and address	Effective	Expiration dates	Export privileges affected	FEDERAL REG-
Name and address	Effective	Expiration dates	Export privileges affected	FEDERAL REG-		date			
Aarsen, H., Meent 93, Rotterdam, Netherlands.	-	5-24-58. (On probation from 5-25-58 for		22 F.R. 3765, 5-29-57.	Asengeest, Adrianos A. C., Kotterdamse Weg 3, Delft, Netherlands. Bands. Asengeest, W. & A., N.V. Plomperstraat 24, Rotterdam, Netherlands, and 148 Rotter-	4 659	Indehnikedo	deneral and validated licenses, all commodities, any destina- tion, also exports to Canada. General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Firm valved to N V Franda.	24 F.K. 2734, 4-9-59. Do.
Abel, Alexander, Abel, Friedrich, 50, Rue de Bassano, Paris, France.		duration.)* Duration	General and validated licenses, all commodities, any destina- tion, also exports to Canada.	21 F.R. 2852, 5-1-56.	American Hellenic Corp., 17	10-14-48	Duration	(First feated to re. V. maiure maatschappi) Delft, which see.) General and validated licenses,	13 F.R. 6126,
Abel, Rudolph, 14, Ave. Pierre Icr de Serble, Parls, France. A.C.E. Nominees, Ltd., 1 Broad Street Pl. London. E.C. 2.	4-25-56 3-11-57	3-11-60	(Company related to William Kurt Samuel Wallersteiner	Do. 22 F.R. 1650, 3-14-57.	Battery Pl., New York, N.Y. American Market Stores, Frank- furt/Main-Westhafen, West	6-13-60	op	all commodities, any destina- tion, also exports to Canada.	10-20-48. 25 F.R. 5610, 6-21-60.
England,		tion from 3-12-60 for duration.)*	which see.)	22 F.R. 2053, 3-28-57.	Germany. Anciens Etablissements Hofman Kortrijkse Steenweg 233, Ghent,	2-24-58	ф	op	23 F.R. 1221, 2-27-58.
Abou Hadid Freres, Rue Hamidio-P.O. Box 81, and Souk Naszle, No. 49—Damascus, Unit- od 4 reb Porcello Series Defere	7-21-59	<u> </u>	General and validated licenses, all commodities, any destina- tion, also exports to Canada.	24 F.R. 5946, 7-24-59.	Beguum. Anglo-Canadian Cement Co., Ltd., 540 Burrard St., Van- couver, B.C., Canada.	3-11-57	3-11-60. (On probation from	(Company related to William Kurt Samuel Wallensteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053,
Abramovich, Arie, 580 Broadway, New York, N.Y.	4-18-60		op	25 F.R. 3500, 4-21-60.	Anglo-Canadian Cement, Ltd.,	3-11-57	3-12-60 for duration.)*	qo	3-28-57. Do.
Aeberil-Schaller, Karl, also known as Aeberli, Karl, Oberalpstrasse	2-13-58	6-19-60 to 4-18-61.)* 3-11-60	(Party related to Standard Chemie A.G., Basel, and		Lagos, Nigeria. Anglo-Continental Exchange, Ltd., 31 Throgmorbon St., Lon-	3-25-57	op		22 F.R. 2053, 3-28-57.
51, Basel, Switzerland.			steiner, which		don, E.C. 3, England. Arnold, I. K., 27 Cantelupe Rd., East Grimstead, Sussex, and 14 D Sleane Avenue Mansions	11-13-59	Duration	General and validated licenses, all commodities, any destina- tion, also exports to Canada.	24 F.R. 9948, 12-9-59.
Agencia Comercial Trogressor (ACP) (Hsin Chi Yang Hang), 443-445 Alexandra House, P.O. Box 2713, Hong Kong, and 161	b	Duravion	deneral and variances, all commodities, any destina- tion, also exports to Canada.	25 F.R. 687, 1-27-60.	London S.W. 3, England. Arnos A. G., 51 Oberalpstrasse, Basel, Switzerland.	3-11-57	3-11-60. (On probation from	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053.
Kus do Quimarase, Macso. Agencia Comercial "Progresso. Lida, 443–445 Alexandra House, P.O. Box 2713, Hong Kong.	8- 4-59	qo	General and validated licenses, all commodities, any destination, also exports to Canada (Party related to Agencia Connectial "Progresso" (ACP) andor Stanley Ho.	24 F.R. 6379, 8-7-59.	Attijara-Societe, Marocaine pour le Commerce International, 106 A venue Pecymirau, Casablanca, Moroco.	10- 8-58	3-12-60 for duration.)* Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEL,	3-28-57. 23 F.R. 7931, 10-14-58.
	8- 4-59	ор	which see.)	Do.	Austria West Africa Corp., Ltd., Valduz, Liechtenstein.	3-11-57	ļ	Which see.) (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053,
Alembik Abram, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to CEEI.	23 F.R. 7931, 10-14-58.	Austria Westafrica Corp., Ltd., 1_Brickfield Rd., Ebute Metta	3-11-57	3-12-60 for duration.)	op	3-28-57. Do.
Alfa Electric Co., Ltd., Chancery House, 53-64 Chancery Lane, London, W.C. 2, England.	5-21-56	Duration	which see,) General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Company related to Ze- manek & Co. Ltd., which	21 F.R. 3609, 5-25-56.	Automobile Commerciale Internationable Commerciale Internationale, 1 rue du Rhone, Geneva, Switzerland.  Aviv, Mendel, 580 Broadway, Nour North	10- 4-56	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 7703, 10-9-56. 22 F.R. 1649, 3-14-57. 25 F.R. 3500, 4-21-60.
Alimable, S. A., 205 Rue Amerl- caine, Ixelles, Brussels, Bel- gium,	8 3.49	ор	see.) General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard	14 F.R. 4913, 8-9-49.	Back, Dr. Alfred Kommerzgesell.	3-12-59	tion from 6-19-60 to 4-18-61.)• Indefinite.	do	24 F.R. 1920,
Allgemeines & Technische Ver- triebs Gesellschaft, Eschen, Liechtenstein, and Lausanne, Switzerland.	4-25-56	do		21 F.R. 2852, 5-1-56.	Schalf M.D.H., Flossigasse 1, Vienna IV, Austria. Bakanowski Corp., Ltd., 2 Doughty St., London W.C. 2, Rafgland.	9-23-58	do	dodo	23 F.R. 7556, S 9-27-58.
Allround Establishment, Inc., P.O. Box 34,613, Vaduz, Liech tenstein.	. 6-10-60	Indefinite	which see.) General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Party related to Maireco Export-Import G.M.B.H. and Emmerich Kuruc, which see.)	25 F.R. 5546, 6-18-60.	Colebrate Ct., London S.W. 5, Colebrate Ct., London S.W. 5, Brigand. Bakely Distributors (1959), Ltd., 27 Cantelupe Rd., East Grim- stead, Sussex, England.	11-13-59	- op	General and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Bakely Distributes, Ltd., and L. K.	12- <del>9-</del> 59. Do.
*Although the named person or firm is entitled to all export privileges during this may be revoked upon a finding that the probation has been violated.	firm is entit at the prob	led to all export priv pation has been viol	ileges during this probation period, these privileges ated.	, these privileges	-	-	-	Arnold, which see,	_

	REG- ation			130V o	<b>,</b> 889	, 8800	515,	343,	7931 S.		. 94 . KE	3131E	r. 150,	<del>8</del> .8.	793 <b>1,</b> 8.	4913,	-	<b>6</b> 00
	FEDERAL REG ISTER citation	24 F.R. 10719, 12–25–59. 23 F.R. 6270, 8-14–58. 23 F.R. 7145.		12-14-50	23 F.R. 2-1-58	16 F.R. 10088,	24 F.R. 3515, 5-1-59.	2-25-55. 2-25-55. 22 F.R. 1343, 3-5-57.	23 F.R. 10-14-5	15 F.R. 8868,	ر تا تا	9-27-5	24 F.R. 7150, 9-3-59.			14 F.R. 8-9-46	_	5-25-54.
	Export privileges affected	General and validated licenses, all commodities, any desti- nation, also exports to Canada.	General and validated licenses,	all commodities, any desti- nation, also exports to Canada. (Firm related to Gerald Stanley Panchand which see	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to MacDonald	Hall & Co. Ltd., which see.) General and validated licenses, all commodities, any desti-	nation, also exports to Canadado		General and validated licenses, all commodities, any destina- tion, also exports from	(Farty related to O.E.E.), which see.) General and validated licenses, all commodities, any destina-	ton, also exports to Canada. (Company related to Gerald Stanley and John Braithwalter Panchaud, whitely see.)	all commodities, any destina- tion, also exports to Canada. (Party related to Bakanowski Corn I.14 which see)	Corp. Lvu., which see, General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Company related to Alf Tom-	sen & Co., which see.) General and validated licenses, all commodities, any destination, also exports, to Canada.		General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard	General and validated licenses.	all commodities, any destina- tion, also exports to Canada.
	Expiration dates	DurationIndefinite	Duration		Indefinite	Duration		(On proba- tion from 10- 2-59 for dura-	tion.)* Indefinite	Duration			Duration	ор	Indefinite.	Duration	φo	
	Effective date	12-18-59	12- 8-50		1-29-58	9-24-51		. 3- 1-57	10- 8-58	12- 8-50	. 8	3	8-28-59	12- 4-58	10- 8-58	8-3-49	5-19-54	
	Name and address	Bordin, Emilio F., Genferstrasse 24, Zurich, Switzerland. Botez, Alexander, also known as Allessandro Doniel Botez, A. B.	Amboa, il Rue Emile Yung and 22 Avenue Pierre Odien, Geneva, Switzerland. Braiste, 3. Saint-Pierre, Braiste, 3.	Lausanne, Switzerland.	Bramall, R. E., 14 & 16 Ludgate Hill, St. Paul's, London E.C. 4, England.	Brandes, Ralph Harry, Boersenstrasse 16, Zurich, Switzerland.	Braunstein, Moises Oscar, 3 Rue des Cultes, Brussels, Belgtum.	Burgi, Karl, also known as Burgi- Tobler, Karl, Burgi-Tobler, Anna, Burgi-Tobler, K. & Co., Stamplenbachstrasse 69, Zurich,	Switzerland. BURIEX, 61 Rue Des Petits Champs, Paris, France.	Burke & Wilson, Ltd., Prince's Bidg., Hong Kong.		don, W. C. 2, England.	Byrrild-Steffensen, K. B., Warburgstrasse 33, Hamburg 36, West Germany.	Canales, Jesus, Madero 1547, Mexicali, B.C., Mexico.	CEEI, also khown as Comptolir Europeen d'Exportation et d'Importation, 20 Avenue de	l'Opera, Faris, France. Centralimpex, S.A., 205 Rue Americaine, Ixelies, Brussels, Belgium.	O H Pharmacy 147/75 Chakra-	petch Road, Bangkok, Thailand,
-	FEDERAL REG- ISTER citation	23 F.R. 5400 7-16-58.	24 F.R. 10020, 12-11-59. 21 F.R. 2852.		22 F.R. 1786, 3-19-57.		14 F.R. 1689, 4-8-49.	23 F.R. 7931, 10-14-58.	,	23 F.R. 7931, 10-14-58.	24 F.R. 5810, 7-21-59.	Do.		16 F.R. 3671, 4-28-51.	20 F.R. 8224, 11-2-55,	17 F.R. 1633, 2–18–52.	24 F.R. 10719.	12-25-59.
,	Export privileges affected	General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Party related to Oversea Trading Co. (H.K.) Ltd.,	Wildli see, General and validated licenses, all commodifies, any destina- tion, also exports to Catada. General and validated licenses.	all commodities, any destina- tion, also exports to Canada. (Company related to Abel,	which see.) General and validated licenses, all commodities, any destina- tion, also exports to Canada.,	General and validated licenses, all commodities, any destina- tion.	General and validated licenses, all commodities, any destifiation also exports to Canada	General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Party related to CEEL	2 3 6 8	General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Party related to CEE!	which see.) General and validated licenses, all commodities, any destina- tion, also exports to Canada.	General and validated licenses, all commodities, any destination, also exports to Canada.	(Company related to F. H. Bertling, which see.) General and validated licenses, all commodities, any cesting-	Land day capt to the Control of the		General and validated licenses, no participation all commodities, as carrier, forwarder, ex-	porter, or otherwise.	all commodities, any desti-
	Expiration dates	Duration			Indefinite	Duration	op	Indefinite	Duration	Indefinite	Duration	op	ф	qo	10-28-56. (On proba- tion from 10-	29-56 for duration.)* Until further notice.	Duration	J. manomore
	Effective date	7-10-58	12- 8-59 4-25-58	00.07.4	12-18-56	8-3-49	3-31-49	10-8-58	5-25-49	10- 8-58	7-16-59	7-16-59	4-23-53	4-24-51	10-28-55	2-13-52	40 40 60	60-91-21
	Name and address	Ban-Ling, Chang, 806 Bank of East Asia Bidg., Hong Kong.	Barber, Albert A., Barber, Maison A., 46 Rue Joseph Brand, Brussels, Belgium.	stein.	Bau, C. F. & Cie., G.m.b.H., also known as Bau, K. H. & Co., K. G., 14/25, Hindenburg St.,	Ollenburg, D. W. West Germany. Belimex Corp., 1186 Broadway, New York, N.Y.	Benedetti, Nicholas R., 602 Broderick St., San Francisco, Calif.	Berger, Aron, 20 Avenue de l'Opere, Paris, France.	Berk, Milton, 1457 Le Jeune Road, Coral Gables, Miami, Fla.	BERMAL Importation-Exportation, S.A.R.L., 20 Avenue de l'Operè, Paris, France.	Bertling, F. H., Monckeberg- strasse 11, Hamburg 1, and Gr. Altefabre 23, Luebeck, Schles.	wig-Holstein, West Germany. Berling, F. H., Schiffartskontor G.M.B.H., Gaensemark, 33, Hamburg, West Germany.	Betwin Trading Co., Inc., 15 Park Row, New York 38, N.Y.	Beydoun, Insan M., 85-86 London House, Loveday St., POB 5102, Johannesburg, Union of South	Africa, Bierma, Sipke N., Keizersgracht 702, Amsterdam, Netherlands.	Bilik, John, Jr., International Trade Mart, 124 Camp St., New Orleans, La.	The themstooks Industrie Zurich	Badenerstrasse 398, Zurich,

Although the named person or firm is entitled to all export privileges during this probation period, these privileges
may be revoked upon a finding that the probation has been violated.

FEDERAL REG- ISTER citation	n- 20 F.R. 8224, 11-2-55, 5- Do.	s, 17 F.R. 3361, a- 4-15-52.	7. 21 F.R. 7699, 10-9-56.		5-7-53.	3-16-50.	11-2-56.	24 F.R. 5197, 7-12-56. 24 F.R. 2754, 4-9-59.	21 F.R. 8412, 11-2-56.	20 F.R. 8202, 11-1-55.	s, 23 F.R. 1860, a- 3-20-58.	r, 3-14-57. 22 F.R. 1650, 22 F.R. 2053, 3-28-57.	s, 17 F.R. 1633, ii- 2-18-52.	T, 22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-56-57	s, 17 F.R. 3241, a- 4-12-52.	s, 15 F.R. 8868, a- 12-14-50. d-	r, 22 F.R. 1650, 3-14-57.
Export privileges affected	(Company related to Continental Commerce and Finauce Company, N.V. and N. V. Noord-Hollandsche Randelsassociatie, which see.)	General and validated licenses, all commodities, any destina- tion, also exports to Canada.	(Company related to Fred W. Schonfeld, which see.)	General and validated licenses, all commodities, any destination, also exports to Canada.	,	d.>	,	ор	do		General and validated licenses all commodities, any destin	tion, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	General and validated licenses, no participation, all commodi- ties, as carrier, forwarder, ex-	porter, or outerwise. (Company related to William Kurt Samuel Wallersteine which see.)	General and validated license all commodities, any destin	Lion, also exports to Canada.  General and validated licenses, all commodities, any destination, also exports to Canada.  (Firm related to Ganada.	Stanley Panchaud, which see (Company related to Willian Kurt Samuel Wallerteine
Expiration dates	10-28-56	Duration	10-3-57 (On probation from 10-4-57	Duration	roi-journ	- Total autom		Indefinite	Duration	(On probation from 10-28-57	tion.)* Duration	g_	tion.)* Until further notice.	3-11-60 (On probation from 3-12-60	• :	qo	3-11-60. (On probation
Effective date	10-28-55	4-14-52	10- 4-56	ች 1 8 2		_	10-00-00	7- 9-56 4- 6-59	10-30-56	10-27-55	3-17-58	3-11-57	2-13-52	3-11-57	4- 7-52	12- 8-50	3-11-57
Name and address	Continex Merchants, Ltd., 24 St. Mary Axe, London, E.O. 3, England. Continental Commerce and Fi-	nance Co., Stadhouderskade 51, Amsterdam-Z, Netherlands. Corti, Dante, Corti & Cis. s.r.l., Dante, 1/6. Piazza Gampetto, Genoa, Italy, and 24 Viale	Montegrappa, Frato, Italy. rystal Industries, Inc., 125 Cedar St., New York 6, N.Y.	David (Davis), Israel, 511 State St., Long Beach, N.Y.	Dayls Electrical and the consorted Ltd., Central Hall, 16 Drayton Park, N5, London, England.	Victor E., 1564 Broadway, New York, N.Y.	Difficulties of Desperation of Cile, also known as Compadimex, S.A., I Pont de Meir, Union Bidg., Antwerp, Bel-	gium. Del Bo, Giacinto Leopoldo, Via Manzoni 41A, Milan, Italy. Delft, Handelmaatschappij N. V., Rotterdamse Weg 3, Delft,	Netherlands, and Fasanen- strasse 28, Berlin, Germany. De Metz, Rene, 128 Bisschoppen- hofiaan, Deurne (Antwerp),	beignum.  de Pesters, Jhr. C. A., Adjunct Managing Director, Chemische Industrie, "Den Haag," N.V.	Le van der Kunstraat 55-57, Tre Hague, Netherlands. epoorter, Paul, doing business as Fortior, De Smet de Nayer-	laan 12, Ostend, Belgium. Dermine, Ltd., 22/32 Copperfield Rd., London, E. 3, England.	Dualea Steamship Co., Interna- national Trade Mart, 124 Camp St., New Orleans, La.	Dublin Chemicals, 39 Dame St., Dublin, Ireland.	Dunlap, Archibald S., 342 West 71st St., New York, N.Y.	Eastern Steel Supplies, Ltd., c/o Panchaud-Freres, S.A., 3 Saint- Pierre, Lausanne, Switzerland.	Economic Digest, Ltd., 22/32 Copperfield Rd., London, E. 3,
•		•	0	н н	<u>م</u> د	<u> </u>	٦	AA	Α	73	H	Α	<u> </u>	А	А	<u> </u>	<u>ы</u>
FEDERAL REGISTER SISTER CITATION	23 F.R. 761, 2-5-58. 22 F.R. 1650, 3-14-57	22 F.R. 2053, 3-28-57. 20 F.R. 8202, 11-1-55.	9431, 55.	25 F. F. 2087, 3–30–60. 24 F. R. 6379, 8–7–59.		21 F.R. 775- 777, 2-3-56.	<del>-</del>	24 F.H. 3515, D. 5-1-59. D	о О		14 f. f. 5913, 8-9-49. 21 F.R. 8412, I	24 F.R. 3515, 5-1-59.		23 F.R. 7931, D	25 F.R. 5462, 6-17-60.	16 F.R. 9667, 9-21-51	
Export privileges affected Federal Reg-	28 F.R. 76i, 2-5-88. Ged to William 22 F.R. 1650, Wallorstehror 3-14-57	22 F.R. 2053, 3-28-57. 20 F.R. 8202, 11-1-55.	also exports to Canada.	24 F.R. 6379, 8-7-59.	, also exports to Canada. ty related to Agencia ercial."Progresso".(ACP) or Stanley Ho, which	lated licenses, 21 F.R. 775- , any destina-	25 F.R. 125, 1-7-60.	dated licenses, 24 F.R. 3010, i. any destinate to Canada. to COFINA socar Braun-		22 F.R. 3134, 5-2-57.				F.R. 7931, 10-14-58.	25 F.R. 5462, 6-17-60.	16 F.R. 9667, 9-21-51	tion, also exports to Canada.
	2 F.R. 76i, 2-5-68. d to William 22 F.R. 1650, Wallorstellor 3-14-57.	Which see.) 22 F.B. 2053, 3-28-57. 20 F.B. 8202, 11-1-55.	General and validated licenses, 20 F.B. 9431, all commodities, any destination, also exports to Canada.	validated licenses, 24 F.R. 6379, littles, any destina-		21 F.R. 775- 777, 2-3-56.	25 F.R. 125, 1-7-60.	deneral and validated licenses, 24 F.H. 3519, all commodities, any destination, also exports to Ganada. (Firm related to COFINA S.A. and Moises Oscar Braun-	stein, which see.) General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 3134, 5-2-57.	21 F.R. 8412,	, 24 F.R. 3515, 5-1-59.	(Company related to William 22 F.R. 1650, Kurt Samuel Wallersteiner, 27 F.R. 2053, which see.)	23 F.R. 7931, 10-14-58.		16 F.R. 9667, 9-21-51	tion, also exports to Canada.
Export privileges affected	Company related to William 27 F.R. 1650, R. 14-57, R. 1650, R.	Which see.) 22 F.B. 2053, 3-28-57. 20 F.B. 8202, 11-1-55.	for duration	General and validated licenses, 24 F. R. 6379, 24 F		deneral and validated licenses, 21 F.R. 775- all commodities, any destina-	(On probation (Party related to Minthorne 25 F.R. 125, from 1-1-60 International Co., Inc., which 1-7-60.	deneral and validated licenses, 24 F.H. 3519, all commodities, any destination, also exports to Ganada. (Firm related to COFINA S.A. and Moises Oscar Braun-	stein, which see.) General and validated licenses, all commodities, any destination, also exports to Canada.	4-29-57 dodododododododo.	11 F. R. 8412, 4.00 do	4-29-59 do	(Company related to William 22 F.R. 1650, Kurt Samuel Wallersteiner, 27 F.R. 2053, which see.)	10- 8-58 Indefinite General and validated licenses, 23 F.R. 783, all commodifies, any destination, also exports to Canada.	General and validated licenses, 25 F.R. 5462, all commodities, any destination, also exports to Canada.	(Company Federal Counting A. Luttway and Tutting Part Tangier, which see.)  9-17-51do	21 F.R. 7699,

\*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

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Ayeraan 5-11-00 No. 14 1-31-56 ne, Higa- London, 5-1-53 London, 12- 8-50 St., Lon-
1a, Osteau Belgium, No. 14 Fulisawa Shoko K.K., No. 14 Hrano-Machi 3-Ohome, Higa- shi-Ku, Osaka, Japan, G. & L. Electrical Supply Co., Lid., if Percy Street, London, W. I., England, W. I., England, House, 1972, Palace St., Lon- Honse, 1972, Palace St., Lon-
21 F.R. 8880, B. B. C.
General and validated licenses.
eners] a
duration.)*

\*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REG- ISTER citation	Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER CITATION
Handelmaatschappij J., Smits Import-Export, N. V., Mol- straat 1, Rotterdam, Nether- lands.	10-28-54	Duration		19 F.R. 7197, 11-5-54, 22 F.R. 727, 2-5-57.	Ho, Stanley, also known as Ho Hung Sun, 443/44s Alexandra House, P.O. Box 2713, and 12 Conduit Rd., Hong Kong. Hof, W., Longue Rue Nueve 43,	8- 4-59	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Stemmler	24 F.R. 6379, 8-7-59. 25 F.R. 689, 1-27-60. 20 F.R. S202,
Hanke & Co., or Anneliese Hanke & Co. (Handel mit Pharmacutika), or Hanke, Anneliese, Hegelgasse 5, Vienna	4-21-54	qo	General and validated licenses, all commodities, any destination, also exports to Chanda, (Related to Hanke Chanda, (Related to Hanke Chanda, (A. A. A.), and (A. A.)	19 F.R. 2432, 4-24-54.	Antwerp, Belgium. Huber, Hermann August, Baden-	12-18-59	(On propation from 10-28-57 for duration.)*	mses,	24 F.R. 10719, 12-25-59.
1, Austria and 41 Seenof Strasse, Berlin-Zehlendorf, Germany. Hanke-Chemie Hochstrasse 19 Frankfurt, and/or Goldfinkweg	4-21-54	ф	ed licens any d	°Ç	land.	ž.		tion, also exports to Canada. (Party related to Oleine S.A., which see.)	18 F P 10089
46. Berlin-Dahlem, Germany, andfor Postplate 26, Vaduz, Liechtenstein. Hanke, Franz, also known as Hanke, Guuther, or Hanke,	4-21-54	ф	tination, also exports to Canada. General and validated licenses, all commodities, any destina-	Ď <b>o</b> .	Hilles et Froduis Conmiques Pour L'Agriculture et L'In- dustrie, 27 Rue des Petites Ecuries, Paris 10, France.	- 12-13-30	op	valuation menses, lities, any destina- related to Union edse Produits	10 T.T. 10003, 21 F.R. 4322, 6-20-56.
Franz Guenther, Goldmikweg 46, Berlin-Dahlem, Germany. Hanka Franz Gunther (Chemi-	, 4-21-54	Ö	(Related to Hanke Chemie, et al., which see.)	Ç	Hutmacher, Dr. Georg, Boersenstrasse 16, Zurich, Switzerland.	9-24-51	op	which see.) General and validated licenses, all commodities, any destina-	16 F.R. 10089, 10-3-51.
Railen-Grossbandel), Hegelgasse 5, Vienna 1, Austria. Hanke-Holz, Kreutzstrasse 8, Colchert Austria.	4-21-54	op	.do.	Do.	Independent Plastic Industries, 22/32 Copperfield Rd., London, E. 3. England.	3-11-57	3-11-60. (On probation from 3-12-60	tion, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	
Hanke-Ziegler, A. G., Hettlingen, Winterthur, Switzerland. Hannoco, S.P.R.L., c/o Gaston	4-21-54	op	General and validated licenses, all commodities, any destina- tion, also exports to Canada. do.	o D O	Industrial Specialty Co., Ltd., Industrial Specialty (fron & Steel), Ltd., 18, Buckingham	12- 8-50	for duration.)* Duration	General and validated licenses, all commodities, any destina- tion, also exports to Canada.	3-28-57. 15 F.R. 8868, 12-14-50.
Triest, 192. Avenue Frankin Rosevelt, Brussels, Beigium, and/or Hottlingerstrasse 4, Zurich, Switzerland, Harlow & Jones (Beigium), S.A., I. Pout de Meir, Antwerp, Bei-	12- 8-50	-do	General and validated licenses, all commodities any destina-	15 F.R. 8868, 12-14-50.	Cate, London, S. W. 1, England.  Industrie Chemie Etablissement, Postplatz 26, Vaduz, Liechtenstein.	4-21-54	ор	Company reased by created Stanley and John Bratth-waite Panchaud, which see.) General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie.	19 F.R. 2432, 4-24-54.
Harlow & Jones, Ltd., 18 Buck- ingham date, London, S.W. 1, Freind	12- 8-50	ор	(Firm related to Gerald Stanley Panchaud, (Firm related to Gerald Stanley Panchaud, which see.) General and validated licenses, all commodities, any destination, also exports to Canada.	Ď,	Industriele Handelsonderneming vh Rotterdamsche Producten, 23 Maarten Dijkschoornlaan, Rotterdam, Netherlands.	11- 6-53		et al. which see.) General and validated licenses, all commodities, any destina- tion, also exports to Canada.	
Hauptfeld, Dr. Georg, Stein Bei Hennef (Sieg), West, Germany.	4-21-54	5-31-55 (On probation	(Company related to Gerald Stanley and John Braithwaite Panchaud, which see.)		Industrie-Warenverkehr, Karlsgase 20, Vienna IV, Austria. Ingeniorsfirman, Elmetrik A. B., Alingsas, Sweden.	8- 4-58 -	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. K. 6002, 8-7-58, 25 F. R. 205, 1-9-60,
Hauser, Maurice, 20 Avenue de l'Opera, Paris, France.	10-8-58	from 6-1-55 for duration.)* Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 3921, 6-4-55. 23 F.R. 7931, 10-14-58.	Intercontinental Import-Export S.A., 70 Rue du Lombard, Brus- sels, Belgtum.	8-3-49	Duration	(Company related to Sven Hakanson, which see.) General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Company related to Bernard	14 F.R. 4913, 8-9-49.
Heinemeier, Ludwig, Gr. Alte- fahre 23, Lucheck, Schleswig- Holstein, West Germany.	7-16-59	Duration	Which see, Which see, General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to F. H. Bert.	24 F.R. 5810, 7-21-59,	International Cement Corp., Ltd., Vancouver & Chilliwack, B.C., Canada.	3-11-57	3-11-60. (On probation from 3-12-60 for duration.)*	Liebermann, which see.) (Company related to William (Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57, 22 F.R. 2053, 3-28-57,
Heinemeier, Willy A., Moencke- bergstrasse II, Hamburg, West Germany.	7-16-59			Do.	International Meat Co., 41 Eerdrachtsweg, Rotterdam, Netherlands.	11- 6-53	Duration	General and valuated incerses, all commodities, any destination, also exports to Canada. (Company related to Klassen,	18 f.K. 7179, 11–11–53.
Herlasteel, A. B., 34-B Artil- lerigatan, Stockholm, Sweden.	12-31-59	Until further notice.	licenses, destina- Canada.		International Trading Co., also known as Kokusal Bokei Sho- kai, 603-4 Fukoka Bidg., Uchi- ssiwal-cho, 2-Chome, Chiyoda-	1-31-56	qo	General and validated licenses, all commodities, any desintation, also exports to Canada (Firm related to Levee and	21 F.R. 775- 777, 2-3-56.
Herfford Chemical Co., Nottingham Pl., London, W. 1, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration)*	(Company related to William Kurt Samuel Wallersteiner, Which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-78-57	Ku, Tokyo, Japan. Internationale Transporte, Paradiestrasse 9, Zurich, Switzer-	6-19-58		Co., which see.) General and validated licenses, all commodities, any destina- tion, also exports to Canada.	23 F.R. 5-22-5
Hip Wah Hong, Ltd., 445 Alexandra House, Hong Kong, and lil Rua do Guimaraes, Macso.	8- 4-59	Duration	General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Party related to Agencia Comercial "Progresso" (AOP) and/or Stanley Ho, which	24 F.R. 6379, 8-7-59.	Interzeck Holzgrosshandels, Im- port & Export, G.m.b.H., Hochstrase 19, Frankfurt, West Germany.	4-21-54	qo	General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Related to Hanke-Chemie, et al., which see).	19 F.R. 2432, 4-24-54.
*Although the named person or firm is entitled to all export privileges during this primay be revoked upon a finding that the probation has been violated.	rm is entitl «t the prob	led to all export privation has been viola	Jeges during this probation period	obation period, these privileges					

Name and address  Istawa S. R. L., Via Mario Pagano	Effective date 3-11-57	Expiration dates	eges affected	FEDERAL REG- ISTER citation 22 F.R. 1650,	Name and address  Klenfex Laboratories Ltd., 22/32	Effective date 3-11-57	Expiration dates	Export privileges affected Company related to William	FEDERAL REG- ISTER citation 22 F.R. 1650,
• н	OH PH	roba- om 0 for ion.)*	Vallersteiner, ted licenses, any destina-	3-14-57. 22 F.R. 2053, 3-28-57. 17 F.R. 3361, 4-15-52.	Copperfield Rd., London, E. 3, England.  Kokushal Boekl Shokai, also known as International Trading Co., 603–4 Fulkoka Bildg., Ifeliesivasi-cho. 2.Chorne. Chil.	1-31-56	robation 3-12-60 uration.)*	Kurt Samuel Wallersteiner, Which see,) General and validated licenses, all commodities, any destination, also exports to Canada (Firm existed to James	22 F.R. 2053, 3-28-57. 21 F.R. 775- 777, 2-3-56.
3-11-57 3-1	4000	3-11-60. (On probation from 3-12-60 for	(Company related to Dante Cort, which see, (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.	yoda-Ku, Tokyo, Japan. , Kopman, Jack, Koopman & Co., Inc., Jack, 15 Park Row, New York 38, N.Y. Kow Ting Heng, or Koh Ting	4-23-53	op	and Co., which see, and deneral and validated licenses, all commodities, any destination, also exports to Canada,	
12- 8-50 D	E A	1 1	General and validated licenses, all commodities, any destination, also exports to Canada. General and validated licenses, all commodities, any destination, also exports to Canada, contracts and commodities, any destination, and contracts and commodities.	15 F.R. 8868, 12–14–50. 23 F.R. 7931, 10–14–58.	Heng, trading as C. H. Pharmacy, 14715 Chakrapetch Rd, Bangkok, Thailand. Krainz & Co., Herrengasse 6, Vienna, Austria. Krueger, Herbort, Krueger, Luise (Johannsen), Hanau-Wilhelms- had Horbe. West	4-13-59	Indefinite Duration	General and validated licenses, all commodities, any destina-	
6- 1-56 L	Η ;	Durationdo	which see.)  Which see.)  General and validated licenses, all commodities, any destina- tion, also exports to Canada. General and validated licenses, all commodities, any destina- tion, also exports to Canada.	21 F.R. 3878, 6-6-56. 21 F.R. 775-777, 2-3-56.	Germany.  Kuruc, Emmerich, 166 Waehringer Guertel, Vienna IX, Austria.  Labeco A/B, Kungsgatan 4A, Stockholm, C, Sweden, and	6-10-60	Indefinite Until further notice.	(Related to Hanke Chemie, et al., which see, all commodities, any destination, also exports to Canada.	25 F.R. 5546, 6-18-60. 25 F.R. 205, 1-9-60.
ю -	က်	ba- for	Company Feater to Full- sawa Shoko K. K. which see,) (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.	Editin, Germann. Labhin, Karl L., Oberellergasse 4. Vienna III, Austria. Lace and Co., Room 604, Fukoku Bidg., Uchisawat-Cho,	10- 5-59	Indefinite Duration	op	24 F.R. 8303, 10-13-59, 21 F.R. 775- 777, 2-3-56.
3-31-60 L	Α ;	1 1	General and validated licenses, all commodities, any destination, also exports to Canada. General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to F. H. Bertl.	25 F.R. 2868, 4-5-60. 24 F.R. 5810, 7-21-59.	2-Chonne, Chiyoda-Ku, Tokyo, Japan, and 36 Queen's Road Central, Hong Kong. Lambreb, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI,	23 F.R. 7931, 10-14-58.
4-15-57 In	A A	Indefinite	ing, which se-, deneral and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 2717, 4-18-57. 21 F.R. 775- 777, 2-3-56.	La Rapida Shipping & Trading Co., 1564 Broadway, New York, N.Y. Larkins, G. D., 2 Doughty St., London, W.C. 2, England.	3-10-50	Duration	Which see, deneral and validated licenses, all commodities, any destination, also exports to Canada. General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakanowski	15 F.R. 1494, 3-16-50. 23 F.R. 7556, 9-27-58.
3-29-55	1 1	qo	op	13 F.R. 6126, 10-20-48, 20 F.R. 2093, 4-2-55, 21 F.R. 7699, 10-9-56,	Larkins, G. D. & Co., Ltd., Buckingham House, 19/21 Pal- ace St., London, S.W. 1, Eng- land. Lau Yiu, Chuen, 326 Prince's	12- 8-50	Durationdodo.	Corp., Ltd., which see.) General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Firm related to Greatd San- ley Panchaud, which see.) General and validated licenses,	15
3-29-55	1 1	op	General and validated licenses, all commodities, any desti-	Do. 23 F.R. 7556, 9-27-58.	Lauter G.m.b.H., Kurfurstendamn 28a, West Berlin, Germany, and Osroy-Niederrbein, West Germany.	12-31-59	Until further notice.	all commonities, any destina- tion, also exports to Canada, General and validated licenses, all commodities, any destina- tion, also exports to Canada, (Company related to Labeco A/B, which see.)	25 F.R. 205, 1-9-60. Do:
3-31-60	; ;	op	Corp. Ltd., which see.) General and validated licenses, all commodities, any destination, also exports to Canada.	25 F.R. 2868, 4-5-60. 18 F.R. 7179, 11-11-53.	Kunggatan 4, Stockhom, Kunggatan 4, Stockhom, Sweden. Lee On Construction Co., Ltd., 33 Ko Shing St., Hong Kong.	<u> </u>	Duration	General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Party related to Agencia Comercial." Progresso", (ACP)	24 H
8-26-49	io t	o all export privi	Kein, Agron, 224 East 86th St.,   8-26-49  do	14 F.R. 5400, 8-31–49. these privileges		<b></b>	_	and/or Stanley Ho, which see.)	

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Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REG- ISTER citation	Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REG- ISTER citation
Les Grandes Editions Publictaires Internationales, 27 Rue des Petites Ecuries, Paris 10, France.	12-13-55	Duration	General validated licenses, all commodities, any destination, also exports to Camada. (Company related to Union Europeanne des Produits Chipeenne des Produits Chip	20 F.R. 9469, 12-16-55. 21 F.R. 4322, 6-20-56.	Maag-Fetscherin, Jacob, Stad- hausquat 7, Zurich, Switzer- land.			General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Engler, Ltd., which see.)	24 F.R. 3-3-56
Levee and Co., Room 604, Fukoku Building, Uchisakwai-Cho, 2- Chome, Chiyoda-Ku, Tokryo, Janan and M Onsen's Road	1-31-56	qo	miques, and Jean Kichard, which see.) General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775- 777, 2-3-56.	MacDonald Hall & Co., Ltd., MacDonald-Hall, Rv., 14 and 16 Ludgate Hill, St. Paul's, London E. C. 4, England. Magna, Mercantile Co., Inc., 25	1-29-58	Indefinite8-31-59	General and validated licenses, all commodities, any destina- tion, also exports to Canada.	23 F.R. 688, 2-1-58. 24 F.R. 4382,
Central, Hong Kong. Li, Hsiu Kuang (alias S. K. Lal), Room 64, Fukoku Building, Uchisaiwai-Cho, 2-Chome, Chi- yoda-Ku, Tokyo, Japan, and 30	1-31-56	ор	ор	Do.	Maireco Export-Import G.M. B.H., 166 Washringer Guertel, Vienna IY Angeria	6-10-60	(On probation from 9-1-59 to 6-30-60.)* Indefinite	General and validated licenses, all commodities, any destina-	
Quen's Road Central, Hong Kong. Liberty Electronics, Inc., 530 Broadway, New York, N.Y.	4-18-60	6-18-60 (On probation	op	25 F.R. 3500, 4-21-60.	Malouronne, Andre Emile, 20 Avenue de l'Opera, Paris, France.	10- 8-58	ор	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to CEEI, which	23 F.R. 7931, 10-14-58.
Lien Hstn Hang, 443 Alexandra House, P.O. Box 2713, and 239 Hennessy Rd., Hong Kong.	8- 4-59	4-18-61).* Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	24 F.R. 6379, 8-7–59.	Mandatare Treuhand, A. G., Vaduz, Liechtenstein.	4-21-54	'Duration	See.) General and validated licenses, all commodifies, any destination, also exports to Canada. (Related to Hanke Chemie, et	19 F.R. 2432, 4-24-54,
Liebermann, Bernard (alias Robert Goværts) 56 Rue du Rocher, Paris 8, France, and 60 Rue Rav-	8-3-49	ор	A a v. related to Agelicia Comercial "Progresso" (ACP) and/or Stanley Ho, which see.) General and validated licenses, all commodities, any destina- tion, also exports to Canada	14 F.R. 4913, 8-9-49.	Manufacture Nouvelle de Textiles (MANOTEX), 3 Rue Olivier de Serres, Paris 15, France.	8-3-49	op	al., When see.) General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Company related to Bernard 1 shormony mishick to Bernard	14 F.R. 4913, 8-9-49.
enstein, Brussels, Belgium. Lijnzaad, D., N.V., Transport en Handelmastschappii, 58 Cool- singel, Boursgebouw, Rotter-	10-27-55	(On probation from 10-27-55 for duration.)*		20 F.R. 8226, 11-2-55.	Maru, Tadami, official of Tokyo Shoko K. K., No. 9 Kyobashi 2- Chome, Chuo-Ku, Tokyo, Ja-	1-31-56	ор	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 775- 777, 2-3-56.
dam, Netherlands. Lijnzaad, Dirk, 7 Duinweg, Wassenaar. Netherlands.	10-27-55	*op	-	. Do.	Masatsugo, Kazushige, 15 Akasaka Tame ike-cho, Minato-ku,	3-31-60	ор	op	25 F.R. 2868, 4-5-60.
Lindemann, E. & Co., 41 Eend- rachisweg, Rotterdam, Nether- lands.	11- 6-53	Duration	General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Company related to Klaasen,	18 F.R. 7179, 11-11-53.	1,0,8,0, 18pp. Mazloumian, Bramall & Co., Aleppo, P. O. Box 130, United Arab Republic—Syria Region.	1-29-58	Indefinite	General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Party related to MacDonald	23 F.R. 688, 2-1-58.
Linson Trading Co., also known as Lien Hsin Hang, 443 Alexandra House, P.O. Box 2713, and 259 Hennessy Rd., Hong Kong.	8- 4-59	do	et al., which see, deneral and validated licenses, all commodities, any destina- tion, also exports to Canada. Party related to Agencia Comercial "Progresso" A CP)	24 F.R. 6379, 8-7-59.	Meersman, Willy-Louis, 225 Avenue Van Rijswijck, Autwerp, Belgium.	12- 8-50	Duration	Hall & Co. Ltd., which see.) General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Firm related to Gerald Stan- lar Donahand which see.)	16 F.R. 3670, 4-28-51.
Lippig, F. O., doing business as Elimex, Aposteinkloster 21-25, Cologne, West Germany	7- 9-58	op-	and/or Stanley Ho, which see.) General and validated licenses, all commodities, any destination of seconds.	23 F.R. 5310, 7-12-58.	Metwa Kogyo 603-4 Fukoka Building, Uchisaiwai-cho, 2- Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	ор	denoral and validated licenses, all commodities, any destination, also exports to Canada. (Firm related to Levee and	21 F.R. 775- 777, 2-3-56.
London Export Corp., Ltd., 5 Chandos St., London, W. 1.	5-24-57	ф	(Party related to Richard Fleschner, which see.) General and validated licenses, all commodities, any destina-	22 F.R. 3765, 5-29-57.	Melman, P., doing business as Gebrs. Melman, Zuid Ooster- front 122, 's Hertogenbosch, Norberlands.	4- 5-56	ор	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F.R. 2302, 4-10-56. 22 F.R. 7408, 9-17-57.
England. London Wax Refining Co., 22/32 Copperfield Rd., London, E. 3, England.	3-11-57	3-11-60 (On probation from 3-12-60	tion, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053,	Metalimport, S.A.R.L., 26 Rue de la Pepuliere, Paris, France. Metalimport Trust, Vaduz, Liech- tenstein. and Dreikonieztrasse	4-25-56	do	<sup>/</sup> op	21 F.R. 2852, 5-1-56. Do.
Loyal Trust, The, Vaduz, Liechtenstein.  Lu Lieh Ming, proprietor, Well-Lu Trading Go, Po. Box 697, 201, Rama 1 Rd, Pratumwarn.	3-25-57		General and validated licenses, all commodifies, any destina-		21, Zurich, Switzerland. Meyns, Peter & Co., Meyns, Peter, Gertrudenkirchof 10, Hamburg 1, West Germany. Andele Bast Cotton Co., Maarad	1-29-59	do		24 F.R. 742, 2-3-59. 22 F.R. 2717,
Bangkok, Thailand. Luttway, Adam A., 21 Rue de Madrid, Parls (8e), France. Lynch, Thomas P., 280 Klemath	6-10-60	dodo		25 F.R. 5462, 6-17-60. 14 F.R. 5207,	1531, Berut, Lebanon. Minthorne International Co., Inc., 15 Moore St., New York 4, N.Y.	1- 1-60	(On probation from 1-1-60 to 12-31-60.)*	- :	25 F.R. 125, 1-7-60.
Sr., Brisbare, Cali., and 21 Bridge St., New-York, N.Y. Lyon, Raymond, 20 Avenue de l'Opera, Parls, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party, related to CEEL, which see.)	8-19-49. 23 F.R. 7031, 10-14-58.	Mortei, Jean Paul, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indofinite:	General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Party related to CEEI, which see.)	23 F. R. 7831, 10-14-58,

\*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

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Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REG- ISTER citation	Name and address	Effective date	Expiration dates	Export privileges affected	Federal Register citation	
Moser, Willi Farner, also known as Willi Farner, Grenchen, Switzerland, and Sagrera 44-58,	8-11-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 6270, 8-14-58. 23 F.R. 7145,	Oestawa Handelshaus A.G., Vaduz, Liechtenstein, and Rennweg 3, Vienna III, Austria.	3-11-57		Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57	J,
elona, Spain. h, Kurt, Hegelgasse 5,	4-21-54	Duration		19 F.R. 2432, 4-24-54.	Oleine, S. A., Genferstrasse 24, Zurich, Switzerland.	12-18-59	Duration	General and validated licenses, all commodities, any destina-	24 F.R. 10719, 12-25-59.	
Naigai Kogyo, 603-4 Fukoka Bidg., Uchisalwai-cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	1-31-56	op		21 F.R. 775- 777, 2-3-56.	Oleynick & Co., L., Oleynick, Leah, 1151 East 185th St., New	3-23-49	qo	tion, also exports to Canada.	14 F.R. 1399, 3-29-49.	
Nanyang Bros. Tobacco Co., Ltd., 271 Wanchai Rd., Hong Kong.	12-17-57	Indefinite	(rrm related to Levee and Co., which see.) General and validated licenses, all commodities, any destination, also exports to Canada. (Suspension for 18 months or	22 F.R. 10311, 12-20-57.	Orion, W Cast Asia Bidg., Hong Kong.	7-10-58	ор	General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Firm related to Oversea Trading Co. (H.K.) Ltd.,	23 F.R. 5400, 7-16-58.	
Nautrup, Theodore Poulsen, Gertrinden kirchhof 10. Hambure 1.	1-29-59	Duration	ry Dept.  I, which- I licenses, y destina-	24 F.R. 742, 2-3-59.	Oriental Trading Co., Ltd., some- times known as Toyo Boeki K.K. or Toyo Trading Co., 15 Akasaka Tameike-cho, Minato-	3-31-60	ор	which see.)	25 F.R. 2868, 4-5-60,	
t Germany.	5	action(one act)	tion, also exports to Canada. (Party related to Peter Meyns & Co., which see.)	9668 H H V6	ku, Tokyo, Japan. Oversea Trading Co., (H. K.) Ltd., 806 Bank of East Asia Ride Hone Kone.	7-10-58	ор	qo	23 F.R. 5400, 7-16-58. 24 F.R. 4062,	
trans, iv. v., os Cooisingel, rsgebouw, Rotterdam, herlands A Nelson & Co A	3-23-49	from 10-27-55 for duration.)*	General and validated licenses.		Pan Pacific Trading Co., 602 Broderick St., San Francisco,	3-31-49	ор-	do	5-20-59. 14 F.R. 1689, 4-8-49.	
on, Mrs. Danielle L. (nee erberg), 172 Orchard St., York, N.Y.			all commodities, any destina- tion, also exports to Canada.	3-29-49.	Calif. Panchaud Freres, S.A., 3 Saint- Pierre, Lausanne, Switzerland.	12- 8-50	qo	all commodities, any destina-	15 F.R. 8868, 12-14-50,	
1, Murray M., Nelson, Inc., ray M., Nelson's Trading Se, 1151 East 165th St.,	3-23-49	ор	ор		Panchand Gerald Stanley. Pan-	12- 8-50	đo	(Firm related to Gerald Stan- ley Panchaud, which see.) General and validated licenses,	D0 <b>,</b>	
Newmark, M. & Co., Ltd., 5 & 7 Natling, Ct., Cannon St., London, England.	3-26-56	Indefinite	op	21 F.R. 1941, 3-29-56, 21 F.R. 2851, 5-1-56.	chaud, John Braithwaite, 1 Galerie Benjamin Constant, Lausanne, Switzerland, and 18 Buckingham Gate, London, S.			all commodities, any destina- tion, also exports to Canada.		-
New York Export Agency Co., 280 Klemeth St., Brisbane, Callt, and 21 Bridge St., New York, N. W.	8-15-49	Duration	p		W. 1, England. Passot, Madelaine, 106 Avenue Poeymirau, Casabianca, Moroco.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F.R. 7931, 10-14-58.	
don, W.C. 2, England.	9-23-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Bakanowski Com 144 which see)	23 F. R. 7556, 9-27-58.	Pawlitza, Dr. Josef, Hegelgasse 5, Vienna 1, Austria.	4-21-54	Duration		19 F.R. 2432, 4-24-54.	
Noord-Hollandsche, Handelsasso- ciatie, N. V., Keizersgracht 702, Amsterdam, Netherlands.	10-28-55	(On probation from 10-29-56	Coty, Life, which see,	20 F.R. 8224, 11-2-55.	Pesters, Jhr. C. A. de, Adjunct Managing Director, Chemische Industrie, "Den Haag," N.V., Le van der Kunstrat 55-57.	10-27-55	10-27-57 (On probation from 10-28-57 for		20 F.R. 8202, 11-1-55.	
Nordische Transportgesellschaft G.M.B.H., Moenckebergsträsse 11, Hamburg, West Germany.	7-16-59	Duration		24 F.R. 5810, 7-21-59.	The Hague, Netherlands. Pisk, Alexander W., Freiestrasse 87, Zurich, Switzerland.		duration.)* Duration	and validated licenses, modities, any destina- so exports to Canada.	19 F.R. 2432, 4-24-54.	
Norte Americana Compania, 15 Park Row, New York 38, N.Y.	4-23-53	ор	Bertling, which see.) General and validated licenses, all commodities, any destina- tion. also exports to Canada.	2481,	Porje, Allan, St. Eriksgatan 69, Stockholm, Sweden. Porn & Dunwoody, Ltd., Union Works, Bear Gardens, London,	3-24-60	Until further notice. Indefinite.		25 F. K. 2087, 3-30-60. 24 F.R. 8683, 10-27-59.	
Nysaters Fabriker A/B, Erik Dahlbergsgatan 4, Goteborg,	6-10-60	qo	-op	25 F.R. 5462, 6-17-60.	S.E. 1, England. Prodalco, S.A.R.L., 15 Rue de la Cite, and 7 Place de la Fusterie.	6- 9-55	Duration	General and validated licenses, all commodities, any destina-	20 F.R. 4190, 6-15-55.	
Sweden. Obegi, Les Fils de Basile, Obegi, Maurice, Obegi, Raymond, Khan Ghoumrock, Aleppo, P. O. Box 277. United Arab Renub-	6- 9-55	ф	.do		Geneva, Switzerland. Pun, Tsze E., & Co., Room 1201,	12-17-57	Indefinite	tion, also exports to Canada. (Related to Lee Fils de Basilo Obegi, et al., which see). General and validated licenses,	22 F.R. 10311,	
Syría Region. nayr, Albert, Rotenturm- sse 25, Vienna 1, Austria.	6- 1-56	(On probation from 6-1-58 for		21 F.R. 3890, 6-6-56.	Wing on Lile Bidg., F.O. Box 2606, Hong Kong.			tion, also exports to describe tion, also exports for 18 months or as long as Treasury Dept. designated national, which-		
"Objecta" Trenhand und Verwaltung, Oberalpstrasse 51, Basel, Switzerland.	2-13-58	3-11-60 (On probation from 3-12-60 for direction )*	(Party related to Standard Chemie A.G., Basel, and W. K. S. Wallersteiner, which	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57.	Ralux Gesellschaft fuer Elektro- technik mbH, 6 Romerstrasse, Munich 23, West Germany.	2-21-57		ever longer.) General and validated licenses, all commodities, any destination, also exports to Canada.	22 F.R. 1153, 2-27-57.	
Oceanic Express Co., 168 West 23d St., New York, N.Y.	3-24-50	Duration	General and validated licenses, all commodities, any destina- tion, also exports to Canada.	15 F.R. 1821, 3-30-50.	Rederi A/B Lauter Shipping, 34-B Artillerigatan, Stockholm, Sweden,	12-31-59	Until further notice.	General and valuated needes, all commodities, any destination, also exports to Canada. (Company related to Labeco	20 F.K. 200, 1-9-60.	
though the named person or fi se revoked upon a finding tha	rm is entit at the prob	led to all export priv ation has been viol	*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.	, tnese privileges		-	•	A/B, Which see.)		

\*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

Name and address	Effective	Expiration dates	Export privileges affected	Federal Reg.	Name and address	Effective	Expiration dates	Export privileges affected	Federal Reg-
	date			ister citation	•	date			ister citation
Rei Shu Ko (Alias S. K. I.al), Room 604, Fukoku Bidg., Uchi-	1-31-56	Duration	General and validated licenses, all commodities, any destina-	21 F.R. 775- 777, 2-3-56.	Seto, Wal Man, Hong Kong	8-5-53	Indefinite	General and validated licenses, all commodities, any destination else exports to Canada	18 F.R. 4751, 8-11-53.
Ku, Tokyo, Japan, and 50 Queen's Road Central, Hong			tion, also exports to Callada.	•	Stegwart and Hanke, Hegelgasse 5, Vienna 1, Austria.	4-21-54	oû		19 F.R. 2432, 4-24-54.
Kong. Rentzeperls, John, 168 W. 23d St.,	3-24-50	qo	qo		Smits, J., Officer of N. V. Handel- masstschappij J., Smits Import-	10-28-54		validated or general licenses	19 F.K. 7197, 11-5-54.
Richard, Jean, 27 Rue des Petites Reinfes, Paris, France.	12-13-55	ф		20 F.R. 9469, 12-16-55	Netherlands.				2-5-57.
	_		-		Smits, J., Import-Export, N. V. Molstratt 1, Rotterdam,	10-28-54	qo	op	D <b>o.</b>
Rivière, Maurice, 20 Avenue de l'Opera, Paris, France.	10- 8-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.		Netherlands. Smits, J. K., 41 Eendrachtsweg, Rotterdam, Netherlands.	11- 6-53	ор	General and validated licenses, all commodities, any destina-	18 F.R. 7179, 11-11-53.
	9		ន ] _	· p		•		(Company related to Klaasen,	٠
Kogers, B., 14 and 16 Ludgate Hill, St. Paul's, London E.C. 4, England.	1-29-58	ao	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. K. 688, 2-1-58,	Snow, H. Martyn, 105 Coleberne Ct., London S.W. 5, England.	11-13-59	qo	General and validated licenses, all commodities, any destina-	25 F.R. 9948, 12-9-59.
Rohlimport Trust, Vaduz, Liech-	4-21-54	Duration		19 F.R. 2432,	Societe d'Etudes et de Recherches Technique et Industrielles (SERTI) 8 A 15, Rue de la	6- 9-55	ор	tion, also exports to Canada. General and validated licenses, all commodities, any destination, also exports to Canada.	20 F.R. 4190, 6-15-55.
			tion, also exports to Canada. (Related to Hanke Chemie,		Cite, and 7 Place de la Fusterie, Geneva, Switzerland.			(Related to Les Fils de Basile Obegi, et al., which see.)	2. D
Royal Industrial Co., 150 Broad- way, Room 914, New York,	4-23-53	qo	et al., which see.) General and validated licenses, all commodities, any destina-	18 F.R. 2481, 4-28-53.	Societe d'Etudes de l'Onion Francaise, Paris, France.	95-52-50		deneral and validated incluses, all commodities, any destination, also exports to Canada. (Commany related to Abel	
Saída, Societe Immobiliere, de la, S.A., Paris, France.	4-25-56	ор	tion, also experts to Canada. General and validated licenses, all commodities, any destina- tion, also exports to Canada	21 F.R. 2852, 5-1-56	Societe Generale de Produits Chimiques et Biologiques 27	12-13-55	qo	which see.) General and validated licenses, all commodities, any destina-	20 F.R. 9469, 12-16-55.
			(Company related to Abel, which see.)	- (	Rue des Petites Ecuries, Paris 10, France.			tion, also exports to Canada. (Company related to Union	21 F.R. 4322, 6-20-56.
Satis, A. G., Boersenstrasse 16, Zurich, Switzerland.	9-24-51	op	General and validated licenses, all commodities, any destination also experts to Canada	16 F.R. 10088, 10-3-51		-		Europeenne des Froudits Chimiques, and Jean Richard, which see.)	
Schneider, Hans M., 174 See- Schneider, Hans M., 174 See- Strasse and 8, Renggerstrasse,	9-24-51 12-18-59	op	General and validated licenses, all commodities, any destina-	Do. 24 F.R. 10719, 12-25-59.	Societa Italiana Gestione Immo- biliari (8.I.G.I.), 24 Viale Montegrappa, Frato, Italy.	4-14-52	ф	General and validated licenses, all commodities, any destina- tion, also exports to Canada. Company related to Dante	17 F.R. 3361, 4-15-52.
zuren, switzeranu.			(Party related to Oleine S. A., which see.)	-	Sorkin, Edwin J., 15 Moore St.,	1-1-60		Corti, which see.) General and validated licenses,	25 F.R. 125,
Schonfeld, Fred W., 125 Cedar St. and 120 Liberty St., New York 6, N.Y.	10- 4-56	(On probation from 10-4-57		21 F.R. 7699, 10-9-56,	New York 4, N.Y.		robation 7-1-60 to 60.)*	all commodities, any destina- tion, also exports to Canada.	1-7-60
Schroeder, Mr. (prokurist for	7-16-59	for duration.)*	General and val	24 F.R. 5810.	South Sea Trading Co., Ltd., 314 China Bldg., Hong Kong.	10- 4-56	Duration		21 F.R. 7699, 10-9-56.
F. H. Bertling), Moenckeberg- strasse 11, Hamburg, West Ger-					Spaeth, Anneliese, Spaeth, Karl- Heinz, 6 Romerstrasse, Munich 23 West Germany	2-21-57	Indefinite	dodo	22 F.R. 1153, 2-27-57.
Schulthess, Johannes, 69 Stamp-	3- 1-57	10- 1-59	ling, which see.)	22 F.R. 1343,	Spicer Food Co., Ltd, 22/32 Copperfield Rd., London, E. 3, Eng-	3-11-57	3-11-60 (On probation	(Company related to William Kurt Samuel Wallersteiner,	22 F.R. 1650, 3–14–57. 22 F.R. 2053.
land.		tion from 10-2-59 for			Spiess Trust, Vaduz, Liechten-	4-25-56	for duration.)*	General and validated licenses,	3-28-57. 21 F.R. 2852,
Selart, Evald, Selart & Co., Erik Dahlbergsgatan 4, Goteborg,	6-10-60	duration.)* Duration	ted licenses,	25 F.R. 5462, 6-17-60.	stein,			tion, also exports to Canada. (Company related to Abel,	,
Sweden. Somadis & Co., Semadis, Peter K., 641 8th Ave., New York,	3-24-49	qp	tion, also exports to Canada.	14 F.R. 1605, 4-5-49.	Standard Chemica S.A., Via Piemonte 63, Rome, Italy.	3-11-57		(Company related to William Samuel Wallersteiner,	22 F.R. 1650, 3-14-57.
Serata, A. G., 51 Oberalpstrasse, Basel, Switzerland.	3-11-57	-	(Company related to William Kurf Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-2-57.	Standard Chemical & Pharma- ceutical Corp. Ltd., 22/32 Cop- parfield Rd London E. Rina.	3-11-57	for duration.)*	dodo	22 F.R. 2053, 3-28-57. Do.
SERTI, S. A., 15 Rue de la Cite, and 7 Place de la Pusterie.	6- 9-55	duration.)* Duration		20 F.R. 4190, 6-15-55.	fand. Standard Chemie, 5 Steinhovel- strasse, Ulm/Donau, West Ger-	3-11-57	dò*	ф	О
Geneva, Switzerland, and Laz- arich Bldg., Befrut, Lebanon,			tion, also exports to Canada. (Related to Les Fils de Basile		Standard Chemie, A. G., Vaduz,	3-11-57	op	op	Do.
Fardosse, Damascus, United Arab Republic—Syria Region.			Obegi, et al., wilkin sec.)		Standard Ohemie, A. G., St. Albangraben 8, Basel, Switzerland.	3-25-57	-do*	1	22 F.R. 2053, 3-28-57.
*Although the named person or firm is entitled to all export privileges during this may be revoked upon a finding that the probation has been violated.	m is entitl t the prob	ed to all export privation has been viols	ileges during this probation period, these privileges ated.	these privileges	÷				

Frida	ıy <u>,</u> Au	gus	t 5,	1960	)					FEI	DER	AL F	REG	ISTE	R								78
Federal Register citation	25 F.R. 5462, 6-17-60. 15 F.R. 8868.	12-14-50	~:	4-5-60.	7,11,	25 F.R. 2868, 4-5-60.	24 F.R. 2754, 4-9-59.		20 F.R. 8224, 11-2-55.	22 F.R. 3765,	6-29-57.	20 F.R. 8224, 11-2-55.	. ,	7-16-58.	20 F.R. 21 12-16-55 20 F.R. 30-56.	21 F.R. 5197, 7-12-56.	23 F.R. 7931, 10-14-58.	20 F.R. 9431, 12-15-55.	21 F.R. 8412, 11-2-56.	18 F.R. 7179, 11–11–53.	;	24 F.R. 4382, 5-30-59.	25 F. R. 205, 1-9-60.
Export privileges affected	General and validated licenses, all commodities, any destination, also exports to Canada. General and validated licenses.	all commodities, any destina- tion, also exports to Canada.	Stanley and John Braithwaite Panchaud, which see.) General and validated licenses.	all commodities, any destina- tion, also exports to Canada. General and validated licenses,	tion, also exports to Canada, (Firm related to Levee and	General and validated licenses, all commodities, any destina-	General and validated licenses, all commodities, any destination, also exports to Canada.	(Firm related to N.V. Handel- maatschappij Delft and Adri- anos A. C. Alsengeest, which	See.) (Company related to Continental Commerce and Finance Commerce N V and N V V			(Company related to Conti- nental Commerce and Finance Commany N V and N V	Nord-Hollandsche Handelsas- sociatie, which see.)	General and validated licenses, all commodities, any destina- tion, also exports to Canada.	op	do	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to OEEE.	which see.) General and validated licenses, all commodities, any destina-	tion, also exports to Canada.	-do			General and validated licenses, all commodities, any destina- tion, also exports to Canada. (Company related to Labeco A/B, which see.)
Expiration dates	Duration	• • • • •	ďo			ор	Indefinite		10-28-56 (On probation from 10-29-56	for duration.)*	(On probation from 5-25-58	10-28-56 (On probation from 10-20-56	for duration.)*	Duration		op	Indefinite.	Duration	op-	op		8-31-59 (On proba- tion from	9-1-59 to 6-30-60.)* Until further notice.
Effective date	6-10-60	3- 5	3-31-60			3-31-60	4- 6-59		10-28-55	5-24-57		10-28-55		7~10~58	12-13-55	7- 9-56	10 8-58	12-12-55	10-30-56	11- 6-53		7- 1-59	12-31-59
Name and address	Toutimper Tangier, 21 Rue de Madrid, Paris (8e), France. Tourer Weschousing Co. (Lon.	Ltd., Brown Bear on, E. 1, England.	Tovo Boeki K K or Tovo Trad-	ing Co., 15 Akasaka Tameike- cho, Minato-ku, Tokyo, Japan. Toyo Koeki, Rm. 603-4 Fukoku	blog., Uchlanwal-cho, z-Chome, Chiyoda-Ku, Tokyo, Japan.	Toyo Trading Co., 15 Akasaka Tamieke-cho, Minato-ku,	TOKYO, Japan. TRACOPORT N. V., Handel- mastschappij, 24 Plompertstra- at Rotterdam Netherlands		Trans Chemie, 702 Keizersgracht, Amsterdam, Netherlands.	Transmara Handelmaatschappli.	N. V., Meent 93, Rotterdam, Netherlands.	Fraverse, N. V., 51 Stadhouder- skade, Amsterdam, Nether-	'Spirat	Tsong, C. S., 806 Bank of East Asla Bldg., Hong Kong.	Union Europeenne de Produits Chimiques, 27 Rue des Petites Ecuries, Paris, France.	United Petrolifera Italiana, S. R. L. (formerly United Refineries Copp.), Via Manzoni 11A, Milan, L. Copp.),	Valentin, Madame, 20 Avenue de l'Opera, Paris, France.	Van de Looveren, N. V., A.M.M., Van de Looveren, Anthonius,	M.M., Willemsparkweg 80, Amsterdam C, Netherlands. Van Der Zanden, Hendrik Frans,	Antwerp, Belgium.  Van Woerkom, J. C. A. M., Industriele Handelsonderneming	v/n Rotterdamsche Producten, 23 Maarten Dijkschoornlaan, Rotterdam Netherlands	Vinci, Vincent, 25 Broadway, New York, N.Y.	Vitromecano A/B, Kungsgatan 4A, Stockholm C, Sweden.
Federal Register citation	22 F.R. 1650, 3-14-57. 22 F.R. 2053,	Do.	11-1-55.	Ďo.	23 F.R. 3158, 5-13-58.	16 F.R. 9667, 9-21-51.	15 F.R. 8868, 12-14-50	24 F.R. 6379, 8-7-59.		23 F.R. 7931, 10-14-58.	91 T. D. 77.E.	777, 2-3-56.	24 F.R. 5810, 7-21-59.		21 F.R. 2852, 5-1-56.	20 F.R. 4190, 6-15-55.	24 F.R. 5810, 7-21-59.	i	22 F.R. 1650, 3-14-57.	22 F.R. '1650, 3-14-57. 22 F.R. 2053.	3-28-57. 21 F.R. 775- 777, 2-3-56.	24 F.R. 7150, 9-3-59.	2 F.R. 1650, 3-14-57. 22 F.R. 2053, 3-28-57. I, these privileges
Export privileges affected	(Company related to William Kurt Samuel Waltersteiner, Which see.)	op		(Company related to Stemmer- Imex, N.V., which see.)	General and validated licenses, all commodities, any destina-	tion, also exports to Canada.	op	General and validated licenses, all commodities, any destina- tination, also exports to	Canada. (Party related to Agencia Comercial "Pro- gresso" (ACP) and/or Stanley	General and validated licenses, all commodities, any destination, also exports to Canada.	(Party related to CEEI, which see.)	all commodities, any destina- tion, also exports to Canada.	General and validated licenses, all commodities, any destina-	tion, also exports to Canada. (Company related to F. H. Bertling, which see.)	General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Abel.	which see.) General and validated licenses, all commodities, any destina-	(Related to Les Fils de Basile Obegi, et al., which see.) General and validated licenses, all commodities any destina-	tion, also exports to Canada. (Party related to F. H. Bertling, which see.)		(Company related to William Kurt Samuel Wallersteiner, which see.)	General and validated licenses, all commodities, any destina-	tion, also exports to Canada.	Germany Trading, Ltd., Copper-field Road, Westhill, Ontario.  All though the named person or firm is entitled to all export privileges during this pnamed person or firm is entitled to all export privileges during this probation period, these privileges
Expiration dates	3-11-60*	do.	(On probation from 10-28-57	do*	Indefinite:	Duration	op	ор		Indefinite		Duranom	qo		qo	ор	qo		3-11-60 (On probation from 3-12-60	do durana	Duration	op-	3-11-60
Effective date	3-11-57	3-11-57	CG77-01	10-27-55	5- 8-58	9-17-51	12- 8-50	8- 4-59		10- 8-58		06-16-1	7-16-59		4-25-56	6- 9-35	7-16-59		3-11-57	3-11-57	1-31-56	8-28-59	3-11-57
Name and address	Stawa A. G., Vaduz, Liechtenstein.	Stawa Co., 22/32 Copperfield Rd., London, E. 3, England.	stemmer, Carl Herman, refundand, Manager and Director, Stemmler-Imer, N. V., Leidser, M. W., Leidsberger,	649, Amsterdam, Netherlands. Stemmler-Imex Succ., Longue Rue Nueve 43, Antwerp, Bel-	gium. Steuerungstechnik und Mess- gerate, G.M.B.H., Wahringer-	Strasse 12, Vienna LX, Austria. Stevens, Paul, Comptoir Paul, Stevens & Co., S.A., 179 Ter	Kroiereniam, Deurne, Antwerp, Belgium. Stonehill, G. C., 18 Buckingham	Sun Kee, 444 Alexandra House, P.O. Box 2713, Hong Kong.		Szurek, Mojsiek, 20 Avenue de l'Opera, Paris, France.	to the state of th	Tokyo Shoko K.K., No. 14 Higano-Machi S.Chome, Hi-	gasni-Ku, Osaka, Japan. Technische Entwicklungsgesell- schaft M.B.H.: Hamburg, West	Germany.	Termac, Kaistrasse 7, Duesseldorf, West Germany.	Thiel, Reynold, 15 Rue de la Cite, and 7 Place de la Fusterie,	Timm, Mr. (prokurist for F. H.	11, Hamburg, West Germany.	Tingley, E. & Son, Ltd., 22-32 Copperfield Rd., Canal Rd., London, E. 3, England.	Tingley, E., Trading, Ltd., 22-32 Copperfield Rd., London, E. 3, England and 1 Brickfield Rd	Ebute Metta (Lagos), Nigeria. Tokyo Shoko K.K., No. 9 Kyo- bashi 2-Chome. Chuo-Ku.	Tokyo, Japan. Tomsen, Alf & Co., Warburg- strasse 33, Hamburg 36, West	German, Trading, Ltd., Copperfield Road, Westhill, Ontario, Canada.  *Although the named person or fit

\*Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

Name and address	Effective date	Expiration dates	Export privileges affected	Federal Reg
·	<u> </u>			ister citation
Von der Fuhr, Hans W.J.M., von der Fuhr, Werner H.H., doing business as N.V. Chem. Industrie "Tillburg", Post- straat 39, Postbox 37, Tillburg, Netherlands.	1-31-58	1-31-59 (On probation from 2-1-59 for duration.)*	25 - 27	23 F.R. 761, 2-5-58.
Von Tscharner, Albert Edward, Rothkreuz, Switzerland.	9-24-51	Duration	all commodities, any destina- tion, also exports to Canada. (Company related to Satis	16 F.R. 1008 10-3-51,
Wahle, Kurt O. W., Frankfurt/ Main-Westhafen, West Ger- many.	6-13-60	do	all commodities, any destina- tion, also exports to Canada.	25 F.R. 5610, 6-21-60.
Wallastone Construction Co., Ltd., 22/32 Copperfield Rd. London, E. 3, England.	3-11-57	3-11-60 (On probation from 3-12-60 for duration.)*	(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57, 22 F.R. 2053, 3-28-57,
Waller Estates, Ltd., 540 Burrard St., Vancouver, B.C., Canada. Waller Family Trust, Ltd., Chambers, Nassau, Bahamas,	3-11-57	do	do	. Do.
British West Indies. Waller Investment Corp. Ltd., Copperfield Road, Westhill, Ontarlo, Canada.	<b>3–11–</b> 57	do*	do	Do.
Waller, W. K. S., 22/32 Copper- field Road, London, E. 3, Eng- land.	8-25-57			22 F.R. 2053, 3-28-57.
Wallersteiner Familien Trust, Vaduz, Liechtenstein.	3-11-57		(Company related to William Kurt Samuel Wallersteiner, which see.)	22 F.R. 1650, 3-14-57, 22 F.R. 2053, 3-28-57.
Wallersteiner, William Kurt Sam- uel, also known as Waller, W. K. S., 22/32 Copperfield Road, London, E. 3, England, Watford Chemical Co. (Canada)			***************************************	Do.
Watford Chemical Co. (Canada) Ltd., Copperfield Road, West- hill, Ontario, Canada. Watford Chemical Company Ltd.,	3–11–57 3–11–57	<b>)</b>		3-14-57.
22/32, Copperfield Road, Canal Road, London, E. 3, England.		·		22 F.R. 1650, 3-14-57, 22 F.R. 2053, 3-28-57,
Watford Chemical Corporation, New York, N.Y. Watford Chemicals (Alberta)	3-11-57	do*	(Company related to William	22 F.R. 1650, 3-14-57.
Ltd., Royal Bank of Canada Chambers, Edmonton, Alberta, Canada			Which see.)	22 F.R. 1650, 3-14-57, 22 F.R. 2053, 3-28-57,
Watford Realty Ltd., Copper- field Road, Westhill, Ontario, Canada.	3-11-57 5-19-54	Duration	General and validated licenses	Do. 19 F.R. 3009,
Well Lu Trading Co., P.O. Box 697, 201, Rama I Road, Pratum- warn, Bangkok, Thalland. Westawa G.m.b.H., 30 Friedrich- Ebert Strasso, Frankfurt, West Germany.	3-11-57	3-11-60 (On probation from 3-12-60	all commodities, any destina- tion, also exports to Canada. (Company related to William Kurt Samuel Wallersteiner, which see.)	5-25-54. 22 F.R. 1650 3-14-57,
Wester Metaalwarenfabrick Amsterdam, Netherlands,	10-27-55	for duration.)* 10-27-57 (On probation from 10-28-57 for	(Company related to Stemmler- Imex, N. V., which see.)	22 F.R. 2053 3-28-57. 20 F.R. 8202, 11-1-55.
Western Metal A. G., Zurich and Lausanne, Switzerland.	4-25-56	duration.)* Duration	General and validated licenses all commodities, any destina- tion, also exports to Canada. (Company related to Abel, which see.)	21 F.R. 2852, 5-1-56.
Williams, Jerry & Co., Hong Kong.	ŀ	do_:	General and validated licenses all commodities, any destina- tion, also exports to Canada.	21 F.R. 3878, 6-6-56.
Wilson, James Besil, 2 Doughty Street, London W.C. 2, Eng- land.	9-23-58	Indefinite	General and validated licenses all commodities, any destina- tion, also exports to Camada. (Party related to Bakanowski Corp. Ltd., which see.)	23 F.R. 7556, 9-27-58,
Wolff, Hans, doing business as Hans Wolff Export-Import, Bingerstrasse 31, Berlin-Wil- mersdorf, Germany.	4-15-57	(On probation from 4-15-57 for duration.)*		22 F.R. 2717, 4-18-57,
mersdorf, Germany. Volfson, Irving N., 15 Park Row, New York 38, N.Y.	4-23-53	Duration	General and validated licenses all commodities, any destina- tion, also exports to Canada.	18 F.R. 2481, 4-28-53.
Youssem, Leon, 12 Avenue des Arts, Brussels, Belgium. See, Mohan, Post Office Box 666,	3-25-57 5- 5-58	Indefinitedo	General and validated licenses	22 F.R. 2055, 3-28-57. 23 F.R. 3156,
Hong Kong.	,		all commodities, any destina- tion, also exports to Canada (Suspension for 18 months or as long as Treasury Dept. designated national, which-	5-13-58.
emanek & Co., Ltd., 46-47 Chancery Lane, London W.C. 2,	5-21-56	Duration	General and validated licenses all commodities, any destina-	21 F.R. 3609, 5-25-56.
England, etlin, David or Davis, Zetland Corp., David, Zetland, David, Zetlan, David or Davis, 46 Cedar Street, New York, N.Y.	5-28-51		tion, also exports to Canada,	16 F.R. 5295, 6-5-51.
*Although the named person or fir	m in emtitle	3411		

<sup>\*</sup>Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023. E.O. 9630, 10 F.R. 12245, 3 CFR, 1945 Supp., E.O. 9919, 13 FR. 59, 3 CFR, 1948 Supp.)

LORING K. MACY, Director, Bureau of Foreign Commerce.

[F.R. Doc. 60-7155; Filed, Aug. 4, 1960; 8:45 a.m.]

# Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COM-PANY ACT OF 1940

Annual Report Form for Small Business Investment Companies

§ 274.5 Form N-5R, Form for annual reports of small business investment companies under the Investment Company Act of 1940 and the Securities Exchange Act of 1934.

(a) The Securities and Exchange Commission has adopted a form for annual reports required to be filed with the Commission by small business investment companies licensed under the Small Business Investment Act of 1958. The form was adopted pursuant to the Investment Company Act of 1940, particularly section 38(a) thereof, and the Securities Exchange Act of 1934, particularly section 23(a) thereof. A preliminary draft of the form was published June 22, 1960.

(b) Small business investment companies registered under the Investment Company Act of 1940 are required by section 30(a) of that Act to file annual reports with the Commission. Any such company which has securities listed and registered on a national securities exchange or which has registered a certain 50, amount of securities under the Securities Act of 1933 is required to file similar annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934. The new form is a combination form which will enable a small business investment company to file with the Commission a single annual report meeting all of the above-mentioned annual reporting requirements. This form permits such companies to meet the Commission's requirements as to financial statements by filing copies of the company's annual financial report to the Small Business Administration pursuant to the Small Business Investment Act of 1958.

(c) Rule 30a-1 under the Investment Company Act of 1940 provides that annual reports of registered investment companies shall be filed not more than 120 days after the close of the fiscal year. Since small business investment companies have a fiscal year ending on March 31, their annual reports would ordinarily be due on or before July 29. Inasmuch as the period for filing the initial annual reports of such companies due July 29, 1960, has expired, the period for filing such initial reports has been extended to August 31, 1960.

(d) In order that the new form may be available for immediate use by any company desiring to do so, the foregoing ac-

Filed as part of original document.

tion shall become effective upon publication August 1, 1960.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

AUGUST 1, 1960.

[F.R. Doc. 60-7271; Filed, Aug. 4, 1960; 8:45 a.m.]

### Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B-FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EX-EMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COM-MODITIES

Tolerances for Residues of 6,7,8,9, 10,10-Hexachloro-1,5,5a,6,9,9a-Hexahydro-6,9-Methano-2,4,3-Benzodioxathiepin-3-Oxide

A petition was filed with the Food and Drug Administration by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, requesting the establishment of tolerances for residues of 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-o x i de in or on peaches and strawberries. The request for a tolerance on peaches was later withdrawn and the tolerance level requested on strawberries was increased from 1.5 to 2 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health. Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (a) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as indicated below:

#### § 120.3 [Amendment]

- 1. Section 120.3 Tolerances for related pesticide chemicals, is amended as follows:
- a. Paragraphs (a) and (b) are amended by changing the words "chlorinated ht drocarbons" to read "chlorinated organic compounds".
- b. Paragraph (e)(4) is amended to read:
- (4) The following are members of the class of chlorinated organic compounds: and by inserting after the item "Dieldrin" the following item:

- 6,7,8,9,10,10-Hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide.
- 2. Part 120 is further amended by adding the following new section:
- § 120.182 Tolerance for residues of 6,7,8,9,10,10 hexachloro 1,5,5a,6, 9,9a hexahydro 6,9-methano-2,4, 3-benzodioxathiepin-3-oxide.

A tolerance of 2 parts per million is established for residues of 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide in or on strawberries.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346 a(d)(2))

Dated: July 29, 1960.

[SEAL] GEO. P. LARRICK, Commissioner of Food and Drugs.

[F.R. Doc. 60-7283; Filed, Aug. 4, 1960; 8:46 a.m.]

## Chapter II—Bureau of Narcotics, Department of the Treasury

## PART 304—ADJUDICATION AND LICENSING PROCEDURE

CROSS REFERENCE: For order proclaiming and making effective the findings of the Secretary of the Treasury with regard to certain drugs having addictionforming or addiction-sustaining liability similar to morphine, see Proclamation 3362, Title 3, Chapter I, supra.

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6-UNITED STATES GOVERN-MENT LIFE INSURANCE

## PART 8—NATIONAL SERVICE LIFE INSURANCE

#### **Dividends**

1. In § 6.95, paragraph (g) is amended to read as follows:

§ 6.95 How paid.

(g) At the written request of the insured. United States Government life insurance regular annual dividends may be left to accumulate on deposit at interest which will be credited annually at such rate as the Administrator may determine, but a rate never less than 31/2 percent: Provided, That the policy is in force on a basis other than extended term insurance or 5-year level premium term insurance. Dividend credit of the insured held for payment of premiums or dividends left to accumulate on deposit may be applied to the payment of premiums in advance upon written request of the insured made before default in payment of a premium. Dividends on deposit under the provisions of this paragraph will be used in addition to the reserve on the policy for the purpose of computing the period of extended term insurance or the amount of paid-up insurance as provided in §§ 6.105 and 6.110, respectively. Any dividend credit of a person who no longer has insurance in force by payment or waiver of premiums will be paid in cash to such person. If a person has a dividend credit option on a lapsed 5-year level premium term policy or a permanent plan policy on which extended term insurance has expired and such person has another policy in force by payment or waiver of premiums, any dividend credit or unpaid dividends on the lapsed policy, in the absence of instructions from the insured to the contrary, will be transferred to the policy which is in force and will be held on such policy as a dividend credit. Such dividend credit will be deemed to have accrued on the policy which is in force. Upon maturity of the policy, any dividend on deposit, any unpaid dividend payable in cash, and any dividend credit accruing from such policy which cannot be used to pay premiums as provided in section 746 of Title 38, United States Code, will be paid to the person currently entitled to receive payments under the policy. If the policy is not in force at death, any such unpaid dividends and dividend credits will be paid to the insured's estate.

2. In § 8.26, paragraph (g) is amended to read as follows:

#### § 8.26 How paid.

(g) At the written request of the insured, National Service life insurance dividends may be left to accumulate on deposit at interest which will be credited annually at such rate as the Administrator may determine: Provided, That effective April 1, 1953, interest will be computed and credited only on the balance of dividend deposits remaining as of the date preceding the anniversary date of the policy: Provided further, That the policy is in force on a basis other than extended term insurance or level premium term insurance. Dividend credit of the insured held for payment of premiums or dividends left to accumulate on deposit as provided in this paragraph may be applied to the payment of premiums in advance upon written request of the insured made before default in

payment of a premium. Dividends on deposit under the provisions of this paragraph will be used in addition to the reserve on the policy for the purpose of computing the period of extended term insurance or the amount of paid-up insurance as provided in §§ 8.29 and 8.30, respectively. Any dividend credit of a person who no longer has insurance in force by payment or waiver of premiums will be paid in cash to such person. If a person has a dividend credit option on a lapsed level premium term policy or a permanent plan policy on which extended term insurance has expired and such person has another policy in force by payment or waiver of premiums, any dividend credit or unpaid dividends on the lapsed policy, in the absence of instructions from the insured to the contrary, will be transferred to the policy which is in force and will be held on such policy as a dividend credit. Such dividend credit will be deemed to have accrued on the policy which is in force. Upon maturity of the policy, any dividend on deposit, any unpaid dividend payable in cash, and any dividend credit accruing from such policy which cannot be used to pay premiums will be paid to the person currently entitled to receive payments under the policy. If the policy is not in force at death, any such unpaid dividends and dividend credits will be paid to the insured's estate.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective August 5, 1960.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 60-7295; Filed, Aug. 4, 1960; 8:47 a.m.]

### Title 47—TELECOMMUNICATION

Chapter I—Federal Communications
Commission

[FCC 60-975]

#### PART 1—PRACTICE AND PROCEDURE

## Certain Standard Broadcast Applications

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1960;

It appearing that § 1.351 of the Commission's rules provides for deferment of action on designated categories of applications for standard broadcast facilities on clear channel frequencies; and

It further appearing that prior to September 18, 1959, when the Commission concluded its initial Daytime Skywave proceeding (Docket No. 8333), the "freeze" on the processing of certain categories of applications for standard broadcast facilities on clear channels as theretofore provided in § 1.351 of the rules was contingent upon conclusion of Docket No. 8333; and that in Orders released September 22, 1959 (FCC 59–971) and October 30, 1959 (FCC 59–1111) the Commission noted that the clear channel frequencies listed in § 1.351 were relevant also to the clear channel pro-

ceeding (Docket No. 6741), and revised the "freeze" provision of § 1.351 to provide that specified categories of standard broadcast applications on the clear channels would be withheld pending conclusion of the proceeding in Docket No. 6741; and

It further appearing that it is desirable to eliminate distinctions in § 1.351 between stations operating day and night with the same radiation characteristics and stations operating day and night with different characteristics, which were pertinent to the Daytime Skywave proceeding (Docket No. 8333) but which are not pertinent to possible clear channel reallocations in Docket No. 6741; and

It further appearing that the present policy of deferring action on applications for station assignments which could prejudice the implementation of clear channel reallocations now being considered in Docket No. 6741 can be clarified by a revision of § 1.351; and

It further appearing that preservation of due latitude in making clear channel reallocations in Docket No. 6741 does not necessitate deferring action on applications for standard broadcast facilities outside the forty-eight continental states on clear channel frequencies; and

It further appearing that the changes adopted herein are procedural in nature; that some of them remove previous restrictions on processing of applications; that those which extend the categories of applications to be held without action pending a decision in Docket No. 6741 are necessary at this time to avoid prejudice to clear channel reallocation now under consideration in Docket No. 6741; and that for these reasons the public notice procedure and effective date notification, otherwise required by section 4 of the Administrative Procedure Act, are unnecessary; and the amendments may become effective immediately; and

It further appearing that authority for the action taken herein is found in sections 4(i) and 303 of the Communications Act of 1934, as amended;

It is ordered, That, effective August 2, 1960, § 1.351 of the Commission's rules is amended to read as stated below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: August 2, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]

BEN F. WAPLE,
Acting Secretary.

Section 1.351 is amended to read as follows:

#### § 1.351 Standard broadcast applications on which action will be withheld pending conclusion of the proceeding in Docket No. 6741.

(a) The following types of applications proposing operation within the continental United States on the frequencies listed in paragraph (c) of this section will be accepted for filing if they conform with the requirements of Part 3 of this chapter, but will be held without action pending a decision in the Clear Channel proceeding (Docket No. 6741):

(1) New stations.

- (2) Changes of frequency.
- (3) Increased power.
- (4) Major changes of antenna radiation pattern.
- (5) Change of station location involving a substantial change in transmitter location.
- (b) Action will not be withheld on applications for facilities in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.
- (c) The clear channel frequencies to which paragraph (a) of this section applies are:

(1) Class I-A frequencies:

kc	kc	kc	kc
640	750	840	1100
650	760	870	1120
660	770	880	1160
670	780	890	1180
700	820	1020	1200
720	830	1040	1210

#### (2) Class I-B frequencies:

kc	kc	kc	kc
680	1000	1080	1140
710	1030	1090	1170
810	1060	1110	1190
850	1070	1130	

[F.R. Doc. 60-7307; Filed, Aug. 4, 1960; 8:48 a.m.]

[FCC 60-981]

## PART 1—PRACTICE AND PROCEDURE

PART 61-TARIFFS

## PART 62—APPLICATIONS TO HOLD INTERLOCKING DIRECTORATES

# PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

#### Oath or Affirmation on Application

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1960;

The Commission having under consideration:

- (1) Provisions in its rules and regulations requiring an oath or affirmation on applications, amendments thereto, and supplemental information submitted in connection therewith, filed under Title II of the Comunications Act of 1934, as amended:
- (2) Title 18, United States Code, section 1001 providing that willful false representations or concealments concerning any matter within the jurisdiction of any department or agency of the United States shall be subject to fine or imprisonment or both.
- imprisonment, or both;
  (3) Amendments to the Communications Act proposed by the Commission for the 86th Congress, 1st Session eliminating the requirement of an oath or affirmation in certain reports and applications filed with the Commission pursuant to sections 219, 308 and 319 of the Communications Act;

It appearing that the Communications Act does not require the filing of applications under Title II under oath or affirmation; and that the provisions in the rules and regulations requiring verification of such applications, amendments thereto, and supplemental in-

formation submitted in connection therewith, impose a burden on the applicants and delay consideration by the Commission of the matters involved when applicants omit the required oath or affirmation, resulting in inconvenience and delay to the public;

It further appearing that the elimination of the oath or affirmation requirement for applications filed under Title II of the Communications Act would not adversely affect the public interest in view of the aforementioned provision of Title 18, United States Code; and that elimination of such requirement will best conduce to the proper dispatch of the Commission's business and to the ends of justice:

It further appearing that the amendments adopted herein pertain to Commission practice and procedure and, hence, that compliance with the public notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary;

It is ordered. That pursuant to sections 4(i) and 201(b) of the Communications Act, Parts 1, 61, 62 and 63 of the Commission's rules and regulations are amended, effective August 15, 1960, as shown below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interprets or applies sec. 201, 48 Stat. 1070, 47 U.S.C. 201)

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Acting Secretary.

#### I. Part 1 is amended as follows:

#### § 1.442 [Amendment]

- 1. Section 1.442 is revised by designating the former single paragraph as paragraph (a) and by adding paragraph (b) as follows:
- (b) Applications  $\mathbf{or}$ amendments thereto under Title II of the Communications Act need not be verified (or affirmed) but shall otherwise comply with the requirements of this section. Willful false representations or concealments can be punished by fine or imprisonment. (See U.S. Code, Title 18, section 1001.)

#### § 1.443 [Amendment]

- 2. Section 1.443 is revised by changing paragraph (a) to read as follows:
- (a) Any application not designated for hearing may be amended at any time by the filing of subscribed and verified (or affirmed) amendments in the same manner, and with the same number of copies, as was the initial application. Amendments to applications under Title II need not be verified (or affirmed).
- 3. Section 1.444 is revised to read as follows:

#### § 1.444 Additional statements.

The Commission may require an applicant to submit such additional documents and written statements of fact. subscribed and verified (or affirmed), as in its judgment may be necessary. Any additional documents and written statements of fact required in connection

with applications under Title II of the Communications Act need not be verified (or affirmed).

#### II. Part 61 is amended as follows:

#### § 61.33 [Amendment]

1. Section 61.33, paragraph (a), is revised by deleting the last sentence, reading "(Here append verification in case any change results in increased charges.)"

#### § 61.134 [Amendment]

2. Section 61.134 is revised by deleting from the "Revocation Notice" the line reading "Attest: \_\_\_\_\_."

#### § 61.136 [Amendment]

3. The "Concurrence" form in § 61.136, paragraph (a), is revised to read as follows:

#### CONCURRENCE

F.C.C. Concurrence No. \_\_\_\_\_ (Cancels F.C.C. Concurrence No. \_\_\_\_\_) (Name of Carrier \_\_\_\_\_) (Post Office Address \_\_\_\_\_) (Date)

To the Federal Communications Commis-SION, Washington, D.C.

This is to report that the

(Name of carrier) hereinafter called the concurring carrier, assents to, adopts, and concurs in the trariffs described below, and hereby makes itself a party thereto and hereby obligates itself (and its connecting carriers) to observe each and every provision therein until this authority is revoked by formal and official notice of revocation filed with the Federal Communications Commission and delivered

to the issuing carrier.

This concurrence applies to interstate (and foreign) wire (and radio) communication:

- 1. Between the different points on the concurring carrier's own system;
  2. Between all points on the concurring
- carrier's own system and the systems of its connecting carriers, as defined in Section 3(u) of the Communications Act of 1934; and
- 3. Between all points on the system of the concurring carrier and the systems of its connecting carriers on the one hand, and all points on the system of the carrier issuing the tariff or tariffs listed below and the systems of its connecting carriers and other carriers with which through routes have been established on the other hand.

(Note: Any of the above numbered paragraphs may be omitted or the wording thereof may be modified to indicate definitely the points to or from which the concurrence applies.)

#### TARIFF

(Here give the exact description of tariff or tariffs concurred in by carrier, F.C.C. number, title, date of issue, and date effective. Example: A.B.C. Communications Company, F.C.C. No. 1, Interstate Telegraph Message Service, Issued January 1, 1939, Effective January 31, 1939.)

Cancels F.C.C. Concurrence No. effective \_\_\_\_\_, 19\_\_\_\_,

(Name of Concurring Carrier) Ву ..... (Title)

4. Section 61.137 is revised to read as follows:

#### § 61.137 Construction, filing.

Every instrument of concurrence and notice of revocation thereof shall be prepared and plainly printed on hardcalendered No. 1 machine-finished book or 20-pound bond paper of durable quality and of size  $8\frac{1}{2}$  by 11 inches. Stereotype, planograph, mimeograph or other process equally durable may be used, provided that all copies are clear and legible in all respects. Reproductions by hectograph, typewriter or similar process shall not be used. Copies shall be delivered to the issuing carrier in whose favor such concurrence or notice is issued and two copies shall be filed with the Commission as provided in § 61.135. Every copy filed with the Commission shall be signed by the person, persons, or officer executing the concurrence or notice. Every carrier shall number its concurrences consecutively from No. 1, keeping such numbers in a series separate and distinct from FCC numbers of tariffs. Except as otherwise provided in §§ 61.134 and 61.135, a concurrence shall bear no effective date but shall be effective on and from the date it is filed with the Commission.

#### § 61.153 [Amendment]

5. In § 61.153, the "Application" form is revised by deleting the following:

STATE OF County of \_\_\_\_\_, ss:

..., being first duly sworn (or affirmed), deposes and says that he is the officer above named and that the facts stated in foregoing application are true of his own knowledge, except as to such statements as are therein stated on information and belief, and as to such statements he believes them to be true.

(Afflant)

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, 

(SEAL)

My commission expires \_\_\_\_\_

III. Part 62 is amended as follows: Section 62.23 is revised to read as follows:

#### § 62.23 Signature.

- (a) The original application filed pursuant to § 62.11 shall be signed by the individual applicant.
- (b) The original application filed pursuant to § 62.12. shall be signed by the applicant, if an individual, or by a duly authorized officer if a company or corporation.
  - IV. Part 63 is amended as follows:

#### § 63.64 [Amendment]

- 1. Section 63.64 is revised by changing the first portion of paragraph (a) to read as follows:
- (a) In the following cases a carrier may, in lieu of filing formal application, file in quintuplicate an informal request for authority:

#### § 63.65 [Amendment]

- 2. Section 63.65 is revised by changing the first portion of paragraph (a) to read as follows:
- (a) Except in emergency cases (as defined in § 63.60(b) and as provided in § 63.63), authority to close a public toll station in a community in which another toll station of the applicant will continue service shall be requested by an informal request, filed in quintuplicate, making

reference to this paragraph and showing the following:

- 3. Section 633.66 is revised to read as follows:
- § 63.66 Closure of or reduction of hours of service at public telegraph offices and telephone exchanges at military establishments.

Where a carrier desires to close or reduce hours of service at a public telegraph office or a telephone exchange located at a military establishment because of the deactivation of such establishment, it may, in lieu of filing formal application, file in quintuplicate an informal request. Such request shall make reference to this section and shall set forth the class of office, address, date of proposed closure or reduction, description of service to remain or be substituted, statement as to any difference in charges to the public, and the reasons for the proposed closure or reduction. Authority for such closure or reduction shall be deemed to have been granted by the Commission, effective as of the 15th day following the date of filing of such request, unless, on or before the 15th day, the Commission shall notify the carrier to the contrary.

#### § 63.67 [Amendment]

- 4. Section 63.67 is revised by changing the first portion of paragraph (a) to read as follows:
- (a) In lieu of filing formal application, a carrier may file in quintuplicate an informal request for authority to reduce hours at main offices under the following specified standards and conditions.

#### § 63.68 [Amendment]

- 5. Section 63.68 is revised by changing the first portion of paragraph (a) to read as follows:
- (a) In lieu of filing formal application, a carrier may file in quintuplicate an informal request for authority to reduce hours at branch offices under the following specified standards and conditions:

#### § 63.70 [Amendment]

- 6. Section 63.70 is revised by changing the first portion of paragraph (a) to read as follows:
- (a) In lieu of filing a formal application, the carrier may file in quintuplicate an informal request for authority to reduce the hours of service of a public coast station under the following specified standards and conditions:

#### § 63.90 [Amendment]

- 7. Section 63.90 is revised by changing paragraph (e) to read as follows:
- (e) When the posting, publication, and notification as required in paragraphs (a), (b), (c) and (d) of this section have been completed, applicant shall report such fact to the Commission, stating the name of the newspaper in which publication was made, the name of the Commissions notified, and the dates of posting, publication, and notification.
- [F.R. Doc. 60-7308; Filed, Aug. 4, 1960; 8:48 a.m.]

[RM-60; FCC 60-964]

## PART 11—INDUSTRIAL RADIO SERVICES

#### Memorandum Opinion and Order

- 1. The Commission has before it for consideration a Petition for certain rules amendments filed on October 3, 1958, by the Central Committee on Radio Facilities of the American Petroleum Institute. In the Petition, it is requested (1) that. § 11.160 (c) and (d) be amended to eliminate certain requirements relating to station records as applicable to base stations situated at temporary locations; 1 and (2) that § 11.65 be amended to delete the requirement of notifying the Engineer in Charge of each Radio District each time a base station authorized to operate at temporary locations within two or more Radio Districts is moved from one Radio District to another.
- 2. In support of the first of the requested amendments, petitioner contends that "these requirements impose a heavy burden of detail on the operators . . . a burden which serves no useful purpose." The petitioner further points out that because of the similarity between the operations of movable base stations and mobile stations, and because no operational log entries are required of mobile stations, a similar exemption should apply to movable base stations. With respect to Petitioners second request, it is contended that notification to our Engineers in Charge of the Districts involved each time a station is moved from one to another is superfluous, in view of the original notification given when the station is placed in operation for the first time. Moreover, it is pointed out that this requirement is, for practical Commission purposes of no value, because most, if not all, movable base stations have, in addition to the call sign assigned by the Commission, an additional unit designator, which designator is not required to be placed on file with the Engineers in Charge of the Radio Districts in which such stations may be authorized to operate; and that, if and when, a station causes interference, the Commission's field engineers cannot pinpoint the offending station beyond its call sign of record, because the additional unit designator used by the station is not within the knowledge of the Engineer in
- 3. In considering Petitioners requested changes, the Commission has found it necessary to balance the advantages to be gained by licensees, should the changes be adopted, against any possible and detrimental mitigation or compromise of the purposeful supervision which this Commission must, by statute, exercise over radio licensees. Moreover, because the matters under consideration affect all the Radio services within the Industrial Radio Service, and not just the Petroleum Radio Service, it has been necessary to consider, in depth, the applicability of the proposed changes to these other Services. This Commission has always lent an attentive ear to proposals which would in some acceptable fashion
  - <sup>1</sup> Also referred to as movable base stations.

- provide for a valid relaxation of the many and varied record keeping burdens which licensees must support. Any relaxation, however, must be consonant with our task of maintaining order in the use of radio facilities.
- (4) Petitioner has pointed out to our satisfaction an analogy between the substantial similarity of operations of movable base stations and mobile stations thus warranting an extension of the exemption which presently applies to mobile stations insofar as logging or maintaining a record of transmissions and other data is concerned, to movable base stations and also to operational fixed stations which may have been authorized to operate at temporary locations. Our conclusion in this regard is enhanced by the fact that a record of transmissions is required to be kept by the fixed base station, under whose supervision or control such movable stations frequently operate. Therefore, in accordance with the language of § 11.160 (c) specified below, movable base and operational fixed stations authorized to operate at temporary locations will no longer be required to maintain records indicating the name or names and periods of duty of persons responsible for the day-to-day operation of transmitting equipment. Movable base stations, pursuant to the new language contained in § 11.160(d) and specified below will no longer be required to maintain records indicating the call signs, date, time and approximate duration of communications with other base stations or operational fixed stations.
- 5. Petitioner has pointed out with regard to its second proposal herein that under § 11.152(e) of our present rules licensees are permitted to use a unit designator in addition to their required call sign to identify an individual unit or transmitter of a base or fixed station which has been authorized to operate at temporary locations. This additional unit designator is not required to be placed on file with the Engineer in charge of the Radio Districts in which such stations may be authorized to operate. However, the official call sign of the station must be included in the notification which a licensee makes to the appropriate Engineer(s) in Charge. It is petitioners contention that "with the advent of multiple transmitter authorizations on a single base station licenseeach having the same official call signthe notification requirement of § 11.65 each time such a station is moved from one Radio District to another would be superfluous, provided the Engineer in Charge of each Radio District has already been notified when such stations have first been put into operation."
  Moreover, "\* \* \* when such stations move from one Radio District to another, even if notified of the move, the Engineer in Charge cannot specifically pinpoint which movable base station of a licensee, whose call sign is already on record, is causing interference because the Engineer does not have knowledge of the additional unit designator." In considering this matter, the Commission has the alternative of deleting that portion of § 11.65 which requires that notification

be given each time a Base or Operational Fixed Station is moved from District to District, in accordance with Petitioners request; or of amending the subject rule such that it will become meaningful or purposeful and not "superfluous" as has been shown. The latter could easily be accomplished by requiring that Engineers in Charge be notified of the additional unit designators used by a licensee in its system, each time that a station is in fact moved. However, the Commission is of the view that its regulatory or supervisory powers will not be hampered if the present notice requirements of § 11.65 are, to a limited degree, relaxed. To this end the Commission has deleted the present text of § 11.65 and inserted new language which will in effect require that Engineers in Charge of the Districts wherein a licensee proposes to temporarily operate base or operational fixed stations shall be notified of such operation only when the initial or modified authorization for such operation shall have been issued by the Commission. Licensees will therefore be relieved of onerous reporting requirements while at the same time the Commission's Field Offices will be relieved of the burdensome and purposeless task of charting the whereabouts of various and sundry movable base or operational fixed stations. By requiring notification initially, the Commission's Field Engineers will be on notice that certain stations may at one time or another be operating within their respective districts. Armed with this knowledge, and such information as may be obtained from monitoring, the Commission's Engineers should be able to identify at least as well as is presently possible, any station operating outside of the scope of our rules and regulations. The Commission desires to point out however, that the relaxation herein ordered, in no way authorizes operation of movable base stations in areas beyond or outside that specified in the station authorization.

6. The Commission has considered petitioners proposed rules changes in ref-

erence to their applicability to that service with which petitioner is most intimately concerned, viz the Petroleum Radio Service, and also with reference to the other services within the Industrial Radio Services which would be affected by the adoption of the rules proposed. It appears that the problem which gave rise to the submission of the petitioner's requests is one that is not peculiar to the Petroleum Radio Service. Indeed, other licensees within other industrial services, operating base stations at temporary locations have encountered similar if not identical difficulties in maintaining operating logs and following the Commission's notification procedures. In our consideration of these matters we have attempted to discern any possible adverse impact which general applicability of the proposed rules might have upon services other than the Petroleum Radio Service. We are persuaded that the relaxation to be effected by adoption of the proposed rules on a basis of applicability to all services within the Industrial Radio Services will not result in any adverse impact upon them or others. Nor will it result in any untoward compromise of our supervisory control over licensees. In view of the fact that the changes contemplated will result in no adverse impact upon licensees in any of the Industrial Radio Services, and because they raise no controversial issues of significance to the public, the rule amendments ordered herein are considered to be minor in nature and compliance with the Public Notice and procedures of section 4 of the Administrative Procedure Act is not necessary.

7. Authority for the amendments ordered herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Because they relieve restrictions, the effective date of the amendments need not be delayed for the 30-day period specified in section 4(c) of the Administrative Procedure Act.

8. In view of the foregoing: It is ordered, This 27th day of July 1960, (a) that the Petition for Rule Amendments, filed on October 3, 1958, by the Central Committee on Radio Facilities of the American Petroleum Institute, is granted; and (b) that effective August 9, 1960, Part 11 of the Commission's rules is amended in the manner set forth below.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 11 is amended as follows:
1. Section 11.65 is revised to read:

#### § 11.65 Report of temporary location.

The Engineer-in-Charge of each Radio District wherein temporary operation by a Base Station or Operational Fixed Station is authorized shall be notified of such inter-District operating authority only at such time as the initial or modified authorization for such operation is granted by the Commission.

2. Section 11.160 (c) and (d) are revised to read:

#### § 11.160 Station records.

- (c) For base stations and operational fixed stations only, excepting stations authorized to operate at temporary locations, the name or names of persons responsible for the operation of transmitting equipment each day, together with the period of their duty.
- (d) For base stations only, excepting base stations authorized to operate at temporary locations, when they communicate with other base stations or with operational fixed stations:
  - (1) Call signs of other stations; and
- (2) Date, time, and approximate duration of each transmission.

[F.R. Doc. 60-7310; Filed, Aug. 4, 1960; 8:49 a.m.]

No. 152-4

# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDU-CATION, AND WELFARE

Food and Drug Administration [ 21 CFR Part 121 ] **FOOD ADDITIVES** 

#### Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition has been filed by Atlas Powder Company, Wilmington 99, Delaware, proposing the issuance of a regulation to provide for the use of sorbitan monostearate and polyoxyethylene (20) sorbitan monostearate as emulsifiers in cake mixes and cakes, as follows:

In cake mixes:

Sorbitan monostearate, not to exceed 6,100 parts per million (0.61 percent);

Polyoxyethylene (20) sorbitan monostearate, not to exceed 4,600 parts per million (0.46 percent);

provided that, if used in combination, the total does not exceed 6,600 parts per million (0.66 percent) on a dry-weight basis.

In finished cakes:

Polyoxyethlene (20) sorbitan monostearate, not to exceed 4,600 parts per million (0.46 percent) on a dry-weight

Dated: July 29, 1960.

J. K. KIRK, Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-7284; Filed, Aug. 4, 1960; 8:47 a.m.]

### DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 54]

#### DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

#### Grading and Inspection; United States Specifications for Classes, Standards, and Grades

Notice is hereby given that the United States Department of Agriculture is considering a revision of the regulations governing the grading and inspection of domestic rabbits and edible products thereof and United States specifications for classes, standards, and grades with respect thereto (7 CFR Part 54, as amended) issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.)

The proposed revision would implement Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amend-

ing the aforesaid act, by designating the certificates, memoranda, marks and other identifications and devices for making such marks or identifications, with respect to inspection, class, grade, quality, size, or condition, that are official for the purposes of said act; require licensed graders to be Federal or State employees; provide for limited licensed graders; provide for rejection of any application for grading or inspection service by the Administrator whenever the applicant fails to meet the requirements of the regulations or commitments concerning the inauguration of the service; and set forth prohibited acts in connection with employees of the Service as grounds for denial of service. In addition, the revision would strengthen the provisions relating to unauthorized use of official identification marks and would make minor changes in some provisions of the sanitary requirements and inspection procedures to make them consistent with the requirements issued in the regulations governing voluntary poultry inspection.

All persons who desire to submit written data, views, or arguments in connection with this revision should file the same in triplicate with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is set forth below:

#### Subpart A-Grading and Inspection of Domestic Rabbits and Edible Products Thereof

#### GENERAL

Designation of official certificates,

memoranda, marks, other identi-fications, and devices for purposes

of the Agricultural Marketing Act.

Definitions.

Administration.

Sec.

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54.4	Grading and inspection services available.
	BASIS OF SERVICE
54.10 54.11 54.12 54.13 54.14	Inspection service. Grading service. Eligibility. Supervision. Authority to waive provisions of § 54.12.
	PERFORMANCE OF SERVICES
54.20	Licensed graders and inspectors.
54.21	Suspension of license or authority; revocation.
54.22	Surrender of license.

#### Political activity. APPLICATION FOR GRADING SERVICE OR INSPECTION SERVICE

Financial interest of inspectors and

54.30	Who may obtain grading service or
•	inspection service.
54.31	How application may be made.
54.32	Filing of application.

Authority of applicant.

Identification.

graders.

Sec.	
54.34	Application for inspection service or
	grading service in official plants;
	approval.
54.35	Rejection of application.
54.36	Withdrawal of application.

54.37 Order of service. 54.38 Suspension of plant approval.

### VIOLATIONS

54.45	Denial of service.
54.46	Misrepresentation; deceptive or
	fraudulent acts or practices.
54.47 ·	Use of facsimile forms.
54.48	Wilful violation of the regulations.
54.49	Interfering with a grader, inspector
	or employee of Service.
E4 EO	Mislesding labeling

54.51 Miscellaneous.

OTHER APPLICABLE REGULATIONS

54.53 Other applicable regulations.

#### PUBLICATIONS

Publications.

#### IDENTIFYING AND MARKING PRODUCTS

54.60	Approval of official identification.
54.61	Products that may be individually
•	grade marked; information re-
	quired on grade mark.
54 62	Tise of grade mark and inspection

mark with respect to the same product.

Marking inspected products.

#### SUPERVISION OF MARKING AND PACKAGING

54.70	Evidence of label approval.
54.71	Affixing of official identification.
54 72	Packaging.

54.73 Retention labels.

54.74 Prerequisites to grading and inspec-

Accessibility of products.

Time of grading or inspection in an 54.76 official plant.

#### REPORTS

54.90	Report of inspection work and grad
	ing work.
54.91	Information to be furnished to in
	spectors and graders.
54.92	Reports of violations.

#### FEES AND CHARGES

Payment of fees and charges. 54.100 54.101 Grading service on a fee basis. Fees for appeal grading. 54.102

54.104Inspection service on a fee basis.

Fees for additional copies of grading certificates and inspection certifi-54.105 cates.

54.106 Traveling expenses and other charges. Inspection performed on a resident inspection basis.

Grading performed on a resident grading basis.

54.109 Fees for grading service or inspection service performed under cooperative agreement.

54.110 Disposition of fees for inspections made under cooperative agreement.

54.111 Charges and other provisions where application is in effect during season of no operation.

#### INSPECTION PROCEDURES; ANTE MORTEM INSPECTION

54.120 Manner of handling products in an official plant.

Ante mortem inspection.

54.122 Condemnation on ante mortem in-

54.205 Superseded certificates.

54.220 Buildings.

54.221

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SANITARY REQUIREMENTS

GENERAL

54.210 Minimum standards for sanitation,

BUILDINGS AND PLANT FACILITIES

Rooms and compartments.

Floors, walls, ceilings, etc.

Lighting and ventilation.

Drainage and plumbing. Water supply.
Lavatory accommodations.

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facilities, and operating procedures

Sec. 54.123	Segregation of suspects on ante mor-	Sec. EQUIPMENT AND UTENSILS
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	rabbits.	<ul><li>54.231 Accessibility.</li><li>54.232 Restrictions on use.</li></ul>
	Post-Mortem Inspection	MAINTENANCE OF SANITARY CONDITIONS AND
54.125 54.126	Evisceration.  Carcasses held for further examination.	PRECAUTIONS AGAINST CONTAMINATION OF PRODUCTS
54.127		54.240 General. 54.241 Cleaning of rooms and compart-
54.128	Certification of carcasses.	ments.
Dispos	SITION OF DISEASED DOMESTIC RABBIT CARCASSES AND PARTS	<ul> <li>54.242 Cleaning of equipment and utensils.</li> <li>54.243 Operations and procedures.</li> <li>54.244 Temperatures and cooling and freez-</li> </ul>
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54.131 54.132	require condemnation.  Decomposition.  Disposal of condemned carcasses and	54.247 Table showing types of materials.
÷	parts.	Subpart B—United States Standards for Domestic Rabbits and Edible Products Thereof
1	REINSPECTION AND INGREDIENTS	U.S. SPECIFICATIONS FOR CLASSES OF READY-
54.133	Reinspection of edible products; ingredients.	To-Cook Domestic Rabbits 54.260 General.
	APPEALS	54.261. Fryer.
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	General.	FORMS OF OFFICIAL IDENTIFICATION
54.152	<u>-</u>	54.280 Forms of official identification.
BASIS (	OF ACCEPTABILITY OF OTHER OFFICIAL INSPECTION SYSTEMS	54.281 Form of grade mark. 54.282 Form of inspection mark.
54.160	General.	APPLICATION FOR GRADING SERVICE
54.161	Requirements as to manner of inspection.	54.290 Application for grading service with
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54 170	Forms.	54.291 Application for inspection of domes- tic rabbits and edible products
54.171		thereof for condition and whole-
54.172		someness.
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54.190		ready-to-cook domestic rabbits in
54.191 54.192	How to obtain appeal grading. Record of filing time.	plants operating under Federa meat inspection service.
54.193		
	grading may be refused.	Subpart A—Grading and Inspection
54.194	When an application for appeal grading may be withdrawn.	of Domestic Rabbits and Edible
54.195		Products Thereof
54.196	Appeal grading by immediate supe-	GENERAL
54.197		§ 54.1 Definitions.  Unless the context otherwise requires
54.198	gradings. Appeal grading certificates.	the following terms shall have the fol-
04.130		lowing meaning:
	SUPERSEDED CERTIFICATES	"Act" means the applicable provision

of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.) or any other act of Congress conferring like authority.

"Acceptable" means suitable for the purpose intended and acceptable to the Service.

"Administrator" means the Administrator of the Agricultural Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

"Applicant" means any interested party who requests any inspection service or grading service.

"Area supervisor" means any employee of the Department in charge of domestic rabbit grading service or domestic rabbit inspection service in a designated geographical area.

"Carcass" means any domestic rabbit carcass.

"Circuit supervisor" means the officer in charge of the domestic rabbit inspection service or the domestic rabbit grading service in a circuit consisting of a group of stations within an area.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind.
"Condition" means any condition, in-

cluding, but not being limited to, the state of preservation, cleanliness, or soundness, of any product or the processing, handling or packaging which may affect such product.

"Condition and wholesomeness" means the condition of any product, its healthfulness and fitness for human food.

"Department" means the United States Department of Agriculture.

"Domestic rabbit grading and inspection service" means the personnel who are engaged in the administration, application, and direction of domestic rabbit grading and inspection programs and services pursuant to the regulations in this part.

"Edible product" means any product derived from ready-to-cook domestic rabbits.

"Grader" means any employee of the Department authorized by the Secretary, or any other individual to whom a license has been issued by the Secretary, to investigate and certify in accordance with the regulations in this part, the class, quality, quantity, and condition of products.

"Grading" or "grading service" means the act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof or each unit of the representative sample thereof drawn by a grader and issues a grading certificate with respect thereto, except that with respect to grading service performed on a resident basis the issuance of a grading certificate shall be pursuant to a request therefor by the applicant or the service; (2) the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) with respect to any official plant, the act whereby a grader determines that the product in such plant was processed, handled, and packaged in accordance with §§ 54.210 to 54.247; and (4) any appeal grading of a previously graded product.

'Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the regulations in this part, relative to the class, quality, quantity, or condition of a product.

"Identify" means to apply official identification to products or to containers

"Inspected and certified" or "certified" means, with respect to any product, that

it has undergone an inspection and was found, at the time of such inspection, to be sound, wholesome, and fit for human food.

"Inspection," "inspection service" or "inspection of products for condition and wholesomeness" means any inspection by an inspector to determine, in accordance with the regulations in this part, (1) the condition and wholesomeness of domestic rabbits, or (2) the condition and wholesomeness of any edible product at any state of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product.

"Inspection certificate" means a statement either written or printed, issued by an inspector, pursuant to the regulations in this part, relative to the condition and wholesomeness of products.

"Inspector" means any person who is licensed by the Secretary to investigate and certify, in accordance with the regulations in this part, the condition and wholesomeness of products. An inspector is an employee of the Department or of a State; he may be a graduate veterinarian or a layman.

"Interested party" means any person financially interested in a transaction involving any inspection or grading.

"National supervisor" means (1) the officer in charge of the domestic rabbit inspection service of the Agricultural Marketing Service, (2) the officer in charge of the domestic rabbit grading service of the Agricultural Marketing Service, and (3) other officers or employees of the Department designated by the officer in charge of the domestic rabbit inspection service or domestic rabbit grading service of the Agricultural Marketing Service.

"Office of grading" means the office of

any grader.

"Official plant" means one or more buildings or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

"Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.
"Potable water" means water that has

been approved by the State health authority as safe for drinking and suitable for food processing.

"Product" means ready-to-cook domestic rabbits, or edible products derived therefrom.

Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Ready-to-cook domestic rabbit" means any domestic rabbit which has been slaughtered for human food, from which the head, blood, skin, feet, and inedible viscera have been removed, that is ready to cook without need of further processing. Ready-to-cook domestic rabbit also means any cut-up or disjointed portion of domestic rabbit or any edible part thereof, as described in this paragraph.

"Regulations" means the provisions of this entire part and such United States specifications for classes, standards, and grades for products as may be in effect at the time grading or inspection is performed.

"Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated. the authority to act in his stead.

"Service" means the Agricultural Marketing Service of the Department.

"State supervisor" or "Federal-State supervisor" means any authorized and designated individual who is in charge of the domestic rabbit grading service or the domestic rabbit inspection service in a State. A State supervisor or a Federal-State supervisor of domestic rabbit inspection service shall be a veterinarian and a Federal employee.

"Station supervisor" means any authorized individual who is designated to supervise domestic rabbit grading service or domestic rabbit inspection service in a large official plant or in a group of several small plants.

#### § 54.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates. memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed in this section shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the sampling, inspection. class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, and any other mark, or any variations in such marks. approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both. or indicating the appropriate U.S. Grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part, including but not limited to, those set forth in §§ 54.281 and 54.282.

(d) "Official identification" means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the

packaging material thereof.

#### ADMINISTRATION

#### § 54.3 Administration.

The Administrator shall perform for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to assure full compliance with the spirit and intent of the regulations. The Agricultural Marketing Service, its officers and employees, shall not be liable in damages through acts of commission or omission in the administration of this part.

#### § 54.4 Grading and inspection services available.

The regulations in this part provide for the following kinds of services; and any one or more of the different services, applicable to official plants, may be rendered in an official plant:

(a) Inspection of ready-to-cook domestic rabbits.

(b) Grading of ready-to-cook domestic rabbits.

(1) In an official plant.

(2) At terminal markets and other receiving points other than official plants.

#### BASIS OF SERVICE

#### § 54.10 Inspection service.

Any inspection service in accordance with the regulations in this part shall be for condition and wholesomeness.

#### § 54.11 Grading service.

(a) Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States classes, standards, and grades as contained in Subpart B of this part.

(b) Moreover, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications or specifications of the applicant and such service, when approved by the Administrator, shall be rendered on the basis of such specifications.

#### § 54.12 Eligibility.

(a) Only domestic rabbits which are processed in official plants in accordance with the regulations in this part may be graded or inspected; and only domestic rabbits which are inspected and passed pursuant to the regulations in this part or inspected and passed by any other official inspection system acceptable to the Service may be graded.

(b) All domestic rabbits that are eviscerated in an official plant where inspection service is maintained, shall be inspected for condition and wholesomeness and no dressed rabbits or uninspected products shall be brought into such offi-

cial plant.

#### § 54.13 Supervision.

All grading service and all inspection service shall be subject to supervision at all times by the station supervisor. State supervisor, circuit supervisor, area supervisor, and national supervisor. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and inspectors are Whenever the supervisor of available. a grader has evidence that such grader incorrectly graded a product such supervisor shall take such action as is necessary to correct the grading and to cause any improper grade marks which appear on the product or containers thereof to be corrected prior to shipment of the product from the place of initial grading.

## § 54.14 Authority to waive provisions of § 54.12.

The Administrator is authorized to waive the provisions of § 54.12 which pertain to the entry of uninspected edible products into official plants, in specific instances where domestic rabbits are to be brought into compliance with a law under the provisions of a court order. Such domestic rabbits shall be handled in an official plant in accordance with such procedures as the Administrator may prescribe to insure proper segregation and identity of the rabbits or rabbit products until they are shipped from the official plant.

#### PERFORMANCE OF SERVICES

#### § 54.20 Licensed graders and inspectors.

(a) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform grading service under this part, may be licensed by the Secretary as a grader.

(b) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination

for competency, and who is to perform inspection service under this part, may be licensed by the Secretary as an inspector.

(c) All licenses issued by the Secretary shall be countersigned by the officer in charge of the domestic rabbit grading service or the domestic rabbit inspection service of the Agricultural Marketing Service or any other designated officer of such Service.

(d) To any person possessing proper qualifications, as determined by the Administrator, there may be issued a limited license by the Secretary to grade domestic rabbits on the basis of the United States classes, standards, and grades: Provided, That all such grading is performed under the immediate supervision of a grader licensed in accordance with paragraph (a) of this section and all product graded is check graded by a grader licensed in accordance with paragraph (a) of this section. No person to whom a limited license is issued by the Secretary shall have the authority to issue any grading certificate. All limited licenses issued by the Secretary are to be countersigned by the officer in charge of the domestic rabbit grading service of the Agricultural Marketing Service or by any other official of such service designated by such officer.

## § 54.21 Suspension of license or authority; revocation.

Pending final action by the Secretary, the officer in charge of the domestic rabbit grading and inspection service may, whenever he deems such action necessary, suspend any license or authority effective pursuant to the regulations in this part, by giving notice of such suspension to the respective individual involved, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or authority should not be suspended or revoked. After the expiration of the aforesaid seven-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days the license is revoked.

#### § 54.22 Surrender of license.

Each license which is suspended, or revoked, or has expired shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed grader or inspector the licensee shall promptly surrender his license to his immediate superior.

#### § 54.23 Identification.

Each grader and inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

### § 54.24 Financial interest of inspectors and graders.

No inspector or grader shall render service on any product in which he is financially interested.

#### § 54.25 Political activity.

All graders and inspectors who are employees of the Department are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of §§ 54.20 to 54.25 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

APPLICATION FOR GRADING SERVICE OR INSPECTION SERVICE

### § 54.30 Who may obtain grading service or inspection service.

An application for grading service or inspection service may be made by any interested person, including but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

#### § 54.31 How application may be made.

(a) An application for inspection service shall be made in writing and filed with the Administrator.

(b) An application for grading service to be rendered in an official plant shall be made in writing and filed with the Administrator.

(c) An application for any grading service to be rendered other than in an official plant may be made in any office of grading or with any grader at or nearest the place where the service is desired. Such application may be made orally, in writing, or by telegraph. If the application for grading service is made orally, the office of grading, grader with whom the application is made, or the Administrator may require that the application be confirmed in writing.

(d) Each application for grading service or inspection service shall include such information as may be required by the Administrator in regard to the products and premises where the service is to be rendered.

#### § 54.32 Filing of application.

An application for grading service or inspection service shall be regarded as filed only when made pursuant to the regulations in this part.

#### § 54.33 Authority of applicant.

Proof of the authority of any person applying for grading service or inspection service may be required at the discretion of the Administrator.

#### § 54.34 Application for inspection service or grading service in official plants; approval.

Any person desiring to process and pack products in a plant under grading service or inspection service, or both, must receive approval of such plant and facilities as an official plant prior to the rendition of such service. An application for grading service or inspection service to be rendered in an official plant shall be approved according to the following procedure:

(a) Initial survey. When application has been filed for grading service or inspection service as aforesaid, the area supervisor, or his assistant, shall examine the plant, premises, and facilities and shall specify any additional facilities required for the service. Appeals with respect to any such specification may be made to the national supervisor.

(b) Drawings and specifications to be furnished in advance of construction or alterations. (1) Four copies of drawings or blue prints showing the features specified herein shall be submitted to the Administrator. The drawings or blueprints shall be legible, made with sharp, clear lines, and properly drawn to scale, and shall consist of floor plans and a plot plan.

(2) The plot plan shall show such features as the limits of the plant's premises, locations in outline of buildings on the premises, one point of the compass, and roadways and railroads serving the plant.

(3) The floor plan shall show all space to be included in the official plant. If rooms or compartments shown on the drawings or blueprints are not to be included as part of the official plant, this shall be clearly indicated thereon.

- (4) The sheets of paper on which drawings or blueprints are made shall not exceed a size 34" x 44". The drawings other than of the plot plan shall be made to a scale of 1/6" per foot, except that additional plans for some areas showing detail may be drawn to a scale of 1/4" per foot. The plot plan may be drawn to a scale of not less than 1/32' per foot. The drawings shall indicate the scale used and shall also indicate the floor shown (e.g., basement, first, or
- (c) Features required to be shown on floor plan. The following features shall be shown on the floor plan:

(1) The principal pieces of equipment drawn to scale in the proper locations.

(2) The name of the firm and the address of the plant by street and street number or by other means properly identifying the location of the plant. (3) One point of the compass.

(4) The doors and openings for passageways, designating those which are

- self-closing or permanently closed. (5) All floor drain openings and gutter drains.
- (6) Lavatories in toilet and processing rooms (lavatories which are other than hand-operated shall be so designated on the drawings or blueprints).
- (7) All steam and hot and cold water outlets for cleanup purposes.
- (8) Ice making and storage facilities.
- (9) The point at which live domestic rabbits are hung on the conveyor line,

the point where dressed domestic rabbits are removed, and the point of transfer to the eviscerating line.

- (10) The routes of the edible and inedible products.
- (11) The location of fresh air inlets, exhaust fans and hoods.
- (d) Specifications. Specifications covering the following items shall accompany the drawings:

(1) Height of ceilings.

(2) Type of ceilings—open or closed. (3) Finish of ceilings; for example-

cement plaster, metal, marine plywood, cement, asbestos board, etc.

(4) Finish of walls; for example-cement plaster, glazed tile, glaze brick, glass blocks, etc.

(5) Screens-indicate whether all outside openings are screened or provided with other suitable devices against entrance of flies or other insects.

(6) Finish of floors-concrete, brick. mastic material, etc.

- (7) Drainage—indicate the amount of slope of floors to the drains in processing rooms, coolers, toilets, and refuse rooms, and give description of trapping and venting of drainage lines, and of floor drain openings. Indicate size of drainage lines and whether house drainage lines and toilet soil lines are separate to a point outside of buildings.
  - (8) Heating—indicate type.

(9) Water supply-indicate whether public or private water supply, or both, and specify in terms of gallons of water available per minute for the processing needs of the plant. Also indicate whether or not a nonpotable water supply is used for any purpose in the plant and, if so, specify such uses.

(10) Hot water facilities—specify facilities such as boilers, storage tanks, mixing valves, etc., and indicate the size and number of boilers and storage tanks.

- (11) Specify number of men and number of women who will use each toilet room.
- (12) Sewage disposal—indicate whether city sewer, cesspool, sedimentation tank, etc.

(13) Approximate rate of production—indicate hourly rate of slaughter and evisceration for domestic rabbits.

(e) Rooms and compartments which must be included in the official plant, The official plant shall include employees' toilet and dressing rooms, office space for the inspectors, storerooms for supplies, refuse rooms, and rooms, compartments or passageways where domestic rabbits or any ingredients to be used in the preparation of products under inspection will be handled or kept. It also may include other rooms or compartments located in the buildings comprising the official plant.

(f) Changes in drawings or blueprints, When changes are proposed in areas for which drawings or blueprints have been previously approved, one of the following types of revised drawings or blueprints shall be submitted for review and consideration.

(1) A completely revised sheet or sheets, showing proposed alterations or additions, or

(2) Approved pasters of the proposed changes which may be affixed to the affected areas on the previously approved

drawings or blueprints in a manner not obscuring essential data. Paster drawings and blueprints shall be prepared to the same scale and presented on a background similar to that of the originally approved drawing or blueprint.

- (g) Final survey and plant approval. Prior to the inauguration of the grading service or inspection service, a final survey of the plant and premises shall be made by the area supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved draw-,\_ ings and the regulations in this part. The plant may be approved by the Administrator only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Administrator are employed to effect adequate sanitary conditions in the plant.

#### § 54.35 Rejection of application.

Any application for grading or inspection service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service; (e) whenever the applicant, after an initial survey has been made in accordance with § 54.34(a), fails to bring the plant, facilities, and operating procedures into compliance with the regulations within a reasonable period of time; or (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after the receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

#### § 54.36 Withdrawal of application.

Any application for grading or inspection service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by the Service in connection with such application.

#### § 54.37 Order of service.

Grading service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any application for an appeal grading.

#### § 54.38 Suspension of plant approval.

(a) Any plant approval given pursuant to the regulations in this part may be suspended by the Administrator for (1) failure to maintain plant and equipment in a satisfactory state of repair; (2) the use of operating procedures which are not in accordance with the regulations in this part; or (3) alterations of buildings, facilities, or equipment which cannot be approved in accordance with the regulations in this part.

(b) During such period of suspension, inspection and grading service shall not be rendered. However, the other provisions of the regulations pertaining to providing service on a resident basis will remain in effect unless such service is terminated in accordance with the provisions of this part. If the plant facili-ties or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, the service shall be terminated. Upon termination of inspection or grading service in an official plant pursuant to the regulations in this part, the plant approval shall also become terminated, and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Service either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Service.

#### VIOLATIONS

### § 54.45 Denial of service.

(a) The acts or practices set forth in §§ 54.46 to 54.51 or the causing thereof may be deemed sufficient cause, for the debarment, by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person from any or all benefits of the act for a specified period, after notice and opportunity for hearing has been afforded.

(b) Whenever the Administrator has reason to believe that any person or his employee, agent, or representative has flagrantly or repeatedly committed any of the acts or practices specified in §§ 54.46 to 54.51, he may without hearing, direct that the benefits of the act be denied such person, including any agents, officers, subsidiaries, or affiliates of such person, pending investigation and hearing and shall give notice thereof by registered mail. A written petition for reconsideration of such interim denial may be filed with the Administrator by any person so denied the benefits of the act within 10 days after notice of the interim denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the benefits of the act pending in-

vestigation and hearing. Within 20 days following the receipt of such petition for reconsideration, the Administrator shall reinstate the benefits of the act or notify the petitioner of the reasons for continued interim denial.

## § 54.46 Misrepresentation; deceptive or fraudulent acts or practices.

Any wilful misrepresentation or any deceptive or fraudulent act or practice made or committed by any person in connection with:

(a) The making or filling of any application for any grading service or inspection service:

(b) The making of the product accessible for grading or inspection;

(c) The making, issuing, or using, or attempting to issue or use any grading certificate, inspection certificate, symbol, stamp, label, seal or identification, authorized pursuant to the regulations in this part;

(d) The use of the term "United States" or "U.S." in conjunction with the grade of the product:

(e) The use of either of the aforesaid terms or any official stamp, symbol, label, seal or identification in the labeling or advertising of any product; or

(f) The use of the term "Government graded," "Federal-State graded," "U.S. inspected," or "Government inspected," or any term of similar import in the labeling or advertising of any product.

#### § 54.47 Use of facsimile forms.

Using or attempting to use a form which simulates in whole or in part, any certificate, symbol, stamp, label, seal or identification authorized to be issued or used under the regulations in this part.

### § 54.48 Wilful violation of the regulations.

Any wilful violation of the regulations in this part or the act.

## § 54.49 Interfering with a grader, inspector or employee of Service.

Any interference with or obstruction or any attempted interference or obstruction of or assault upon any grader, limited licensee, inspector or employee of the Service in the performance of his duties. The giving or offering directly or indirectly of any money, loan, gift or anything of value to an employee of the Service or the making or offering of any contribution to or in any way supplementing the salary, compensation or expenses of an employee of the Service or the offering or entering into a private contract or agreement with an employee of the Service for any services to be rendered while employed by the Service.

#### § 54.50 Misleading labeling or advertising.

The use of the terms "Government Graded," "Federal-State Graded," or terms of similar import in the labeling or advertising of any product without stating in the labeling or advertisement, the U.S. grade of the product as determined by an authorized grader.

#### § 54.51 Miscellaneous.

The existence of any of the conditions set forth in § 54.35 constituting a basis

for the rejection of an application for grading or inspection service.

#### OTHER APPLICABLE REGULATIONS

#### § 54.53 Other applicable regulations.

Compliance with the regulations in this part shall not excuse failure to comply with any other Federal, or any State or municipal, applicable laws or regulations.

#### **PUBLICATIONS**

#### § 54.55 Publications.

Publications under the act and the regulations in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

#### IDENTIFYING AND MARKING PRODUCTS

### § 54.60 Approval of official identifica-

(a) Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label, other than labels for shipping containers or containers for institutional packs, bearing any official identification shall be used until finished copies or samples of such labels have been approved by the Administrator. Final approval may be given to printer's final proof or photostatic copies of labels for shipping containers or containers for institutional packs, and no such labels shall be used until such proofs or copies have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading, and if labels in the name of the same packer or distributor. or bearing the same brand name, are used on the same or similar products which are prepared from products which are not inspected, the diameter of the inspection mark used on labels for inspected products shall be equal to at least one-tenth of the length of the label, plus at least one-tenth of the width of the label. If the labeling is printed or otherwise applied directly to the container, the principal display panel of such container shall, for this purpose, be considered as the label.

# § 54.61 Products that may be individually grade marked; information required on grade mark.

(a) The appropriate grade marks for consumer grades as specified in §§ 54.275 and 54.276 are the only grade marks which may be applied individually to ready-to-cook domestic rabbits and edible rabbit products prepared therefrom or to the containers in which such products are enclosed for the purpose of display and sale to household consumers.

(b) Except as otherwise authorized, each grade mark which is to be used

shall be of a shield design and shall include the letters "USDA," and the U.S. Grade of the product it identifies as specified in § 54.281. In addition, one of the following terms such as "Federal-State Graded" or "Government Graded" may be used adjacent to, but not within the shield design grade mark.

#### § 54.62 Use of grade mark and inspection mark with respect to the same product.

The Administrator is authorized to prescribe and approve the form of the grade mark and inspection mark that may be used.

#### § 54.63 Marking inspected products.

(a) Wording and form of inspection mark. Except as otherwise authorized, the inspection mark permitted to be used with respect to inspected and certified edible products shall include wording as follows: "Inspected for whole-someness by U.S. Department of Agriculture." This wording shall be contained within a circle in the form and arrangement shown in § 54.282. The appropriate plant number of the official plant shall be included in the circle unless it appears elsewhere on the packaging material. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation thereof, as the case may be, may be applied to the inspected and certified edible product or to the packaging material of such product. When the inspection mark, or the approved abbreviation thereof, is used on packaging material, it shall be printed on such material or on a label to be affixed to the packaging material and the name of the packer or distributor of such product shall be printed on the packaging material or label, as the case may be, except that on shipping containers and containers for institutional packs the inspection marks may be stenciled on the container and when the inspection mark is so stenciled the name and address of the packer or distributor may be applied by the use of a stencil or a rubber stamp. Notwithstanding the foregoing, the name and address of the packer or distributor, if appropriately shown elsewhere on the packaging material, may be omitted from insert labels which bear an official identification if the applicable plant number is shown.

(b) Wording on labels. Each trade label to be approved for use pursuant to §§ 54.60 to 54.63 with respect to any inspected and certified edible product shall bear the true name of the edible product, the name and address of the packer or distributor thereof, and in prominent letters and figures of uniform size, the inspection mark, as aforesaid; and the label shall also bear, in such manner as may be prescribed or approved by the Administrator, the plant number, if any, of the official plant in which such product was inspected and certified.

(c) Labels in foreign languages. Any trade label to be affixed to a container of any edible products for foreign commerce

may be printed in a foreign language. However, the inspection mark shall appear on the label in English, but, in addition, may be literally translated into such foreign language. Each such trade label which is to be printed in a foreign language must be approved pursuant to §§ 54.60 to 54.63.

(d) Unauthorized use or disposition of approved labels. (1) Labels approved for use pursuant to §§ 54.60 to 54.63 shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved labels or labels bearing official identification may result in cancellation of the approval and denial of the use of labels bearing official identification or denial of the benefits of the act pursuant to the provisions of § 54.60.

(2) The use of simulations or imitations of any official identification by any person is prohibited.

(e) Rescindment of approved labels. Once a year, or more often, if requested, each applicant shall submit to the Administrator a list in triplicate of approved labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval, and the name of product or other designation showing the class of material.

#### SUPERVISION OF MARKING AND PACKAGING

#### § 54.70 Evidence of label approval.

No grader or inspector shall authorize the use of official identification for any graded or inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of §§ 54.60 to 54.63.

#### § 54.71 Affixing of official identification.

- (a) No official identification or any abbreviation, copy, or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by a grader or an inspector or under the supervision of a grader or an inspector. All such products shall have been inspected and certified, or graded, or both. The grader or inspector shall have supervision over the use and handling of all material bearing any official identification.
- (b) Each container of inspected and certified products to be shipped from one official plant to another official plant for further processing shall be marked for identification and shall show the following information:
- (1) The name of the inspected and certified products in the container;
- (2) The name and address of the packer or distributor of such products;
- (3) The net weight of the container; (4) The inspection mark permitted to be used pursuant to the regulations in this part, unless the containers are

sealed or otherwise identified in such

manner as may be approved by the Administrator; and

(5) The plant number of the official plant where the products were packed.

#### § 54.72 Packaging.

No container which bears or may bear any official identification or any abbreviation or copy or representation thereof may be filled in whole or in part except with edible products which were inspected and certified or graded or both and are at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector or grader.

#### § 54.73 Retention labels.

An inspector or grader may use such labels, devices and methods as may be approved by the Administrator for the identification (a) of products which are held for further examination, and (b) all equipment and utensils which are to be held for proper cleaning.

## § 54.74 Prerequisites to grading and inspection.

Grading and inspection of products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

#### § 54.75 Accessibility of products.

Each product for which grading service or inspection service is requested shall be so arranged so as to permit adequate determination of its class, quality, quantity, and condition as the circumstances may warrant.

### § 54.76 Time of grading or inspection in an official plant.

The grader or inspector who is to perform the grading or inspection in an official plant shall be informed, in advance, by the applicant of the hours when such grading or inspection is desired. Graders and inspectors, shall have access at all times to every part of any official plant to which they are assigned.

#### REPORTS

## § 54.90 Report of inspection work and grading work.

Reports of the work of inspection and grading carried on within official plants shall be forwarded to the Administrator by the inspector and grader in such manner as may be specified by the Administrator.

## § 54.91 Information to be furnished to inspectors and graders.

When inspection service or grading service is performed within an official plant, the applicant for such inspection or grading shall furnish to the inspector or grader rendering such service such information as may be required for the purposes of §§ 54.90 to 54.92.

#### § 54.92 Reports of violations.

Each inspector and each grader shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the act and the regulations in this part of which he has knowledge.

#### FEES AND CHARGES

#### § 54.100 Payment of fees and charges.

(a) Fees and charges for any grading or inspection shall be paid by the applicant for the service in accordance with the applicable provisions of §§ 54.100 to 54.109 and, if so required by the Administrator, such fees and charges shall be paid in advance.

(b) Fees and charges for any grading or inspection performed by any grader or inspector who is a salaried employee of the Department shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by check, draft, or money order payable to the Agricultural Marketing Service and remitted promptly to the Service.

(c) Fees and charges for any grading or inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

#### § 54.101 Grading service on a fee basis.

The fees to be charged and collected for grading services furnished on a fee basis (other than for an appeal grading) shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the grader in connection therewith, at the rate of \$5.00 per hour for the time actually required.

#### § 54.102 Fees for appeal grading.

The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: Provided, That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be not more than that set forth in the grading certificate from which the appeal is taken. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

### § 54.104 Inspection service on a fee basis.

Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of \$5.00 per hour for each inspector for the time actually required.

## § 54.105 Fees for additional copies of grading certificates and inspection certificates.

Additional copies, other than those provided for in §§ 54.141 and 54.171, of any grading certificates or inspection certificates, may be supplied to any interested party upon payment of a fee of \$1.50 for each set of five or fewer copies.

## § 54.106 Travel expenses and other charges.

Charges may be made to cover the cost of travel and other expenses incurred by the Service in connection with the performance of any grading or inspection service on a fee basis. Such charges shall include the costs of travel,

per diem, and other expenses, plus a charge of 10 percent of the amount charged for said travel per diem, and other expenses to cover administrative costs of the Department. When travel and other expenses are charged in connection with any grading or inspection service, the minimum charge which shall be made shall be \$0.50.

### § 54.107 Inspection on a resident inspection basis.

(a) Charges. The charges for inspection of domestic rabbits and products thereof shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the inspection service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the inspection service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will. be made by AMS in the amount of one (1) percent per month, or fraction thereof, of any amounts remaining unpaid after 30 days from the date of billing.

(1) A charge of \$125.00 for the combined initial and final survey (required to be made with respect to an official plant pursuant to the regulations in this part) made of the designated plant and its premises prior to the performance, by AMS of the inspection service.

(2) Charges for each survey in addition to those provided in subparagraph (1), of this paragraph, if any, made at the request of the applicant, or determined by AMS to be necessary, to be computed on the basis (i) of the actual cost to AMS of the travel and per diem in lieu of subsistence incurred in the making of the survey, and (ii) a charge of \$5.00 per hour for the time consumed at the plant in making the survey: Provided, That the minimum charge shall be for six (6) hours.

(3) A charge of (i) \$154.00 per 40hour workweek for each inspector assigned to the designated plant by AMS for the inspection of dressed domestic rabbits at the time of evisceration; (ii) \$154.00 per 40-hour workweek for each inspector assigned to the designated plant by AMS for the inspection of canning or other processing of domestic rabbit products: Provided. That with respect to each inspector who is employed by AMS on a "when actually employed" basis, such charges shall be computed on the appropriate hourly basis: Provided, further, That no charge shall be made for any inspector during any period of leave approved by AMS for such inspector.

(4) A charge of \$4.65 per hour for each hour of overtime work performed by each inspector assigned to any type of operation described in subparagraph (3) of this paragraph: Provided, That any unscheduled overtime work performed by an inspector on a day when

no work is scheduled for him, or for which he is required to return to his place of employment, shall be considered to be at least two hours in duration.

(5) A night differential charge of \$0.385 per hour for inspectors performing inspection of dressed domestic rabbits at the time of evisceration and performing inspection of canning or other processing of domestic rabbit food products for each hour of any regularly scheduled work between the hours of 6:00 p.m. and 6:00 a.m.

(6) A charge of \$7.70 per hour for inspectors performing inspection of domestic rabbits at the time of evisceration and \$7.70 per hour for inspectors performing inspection of canning or other processing of domestic rabbit food products for each hour of such work performed on a designated holiday: Provided, That the charge shall be for a minimum of two hours.

(7) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant but whose travel headquarters is not at the designated plant, such charge to cover the period during which each such inspector is assigned to the designated plant, and travel to and from the designated plant in connection with such assignment.

(8) A charge of \$50.00 per inspector at the time of installation of service at the plant or the assignment of an additional inspector to the plant, to cover the average cost of installing an inspector, plus an additional charge of \$250.00 per inspector to cover the average cost of movement of household goods of an inspector incident to such installation or assignment where costs of such movement are incurred by AMS: Provided, That no charge shall be made under this subparagraph when the assignment of an inspector is made to replace another inspector solely for the convenience of AMS.

(9) A charge for the actual cost to AMS of the travel and per diem in lieu of subsistence with respect to each inspector who is assigned to the designated plant and whose travel headquarters is at the designated plant, if at the request of the designated plant, such inspector is reassigned temporarily to another official plant, such charge to cover the period during which each such inspector is reassigned to the other plant, and the travel to and from the designated plant in connection with such reassignment.

(10) A minimum charge of \$25.00 for each calendar month after inspection is inaugurated in the designated plant.

(11) The charge for each 8-hour day, for the services of any inspector, shall be at the rate of one-fifth of the applicable charge for each 40-hour work week, as provided in subparagraph (3) of this paragraph. Overtime and night differential charges (when applicable) shall be billed at the rates specified in subparagraphs (4) and (5) of this paragraph.

(12) The applicant will be given credit when inspectors assigned to the applicant's official plant perform inspection for the Department of Defense on

products accepted for delivery by the applicant to the Department of Defense. The amount of such credit will be based on a formula concurred in jointly by the Departments of Defense and Agriculture.

(13) A charge equal to the actual amounts reimbursed to the Agricultural Research Service by AMS, plus twenty-five (25) percent of such amounts to cover administrative overhead of AMS, when inspectors of the Meat Inspection Division, Agricultural Research Service, are assigned to the designated plant for inspection of canning or processing of domestic rabbit food products. The charges provided for in this subparagraph are in lieu of the charges specified in subparagraphs (3) through (9) and (11) of this paragraph.

(b) Other provisions. (1) The applicant shall furnish such stenographic and clerical assistance as may be necessary in typing certificates, official reports and handling correspondence in connection

with the inspection service.

(2) Inspectors will be provided by AMS to perform the inspection service. AMS, may, from time to time, assign to the designated plant such additional inspectors as it deems necessary in order to perform the inspection service, or decrease the number of inspectors when fewer inspectors are needed to perform such service.

(3) Whenever operations at the designated plant are discontinued during a period or periods, any inspector (assigned by AMS to the designated plant) may perform such other services as may be deemed appropriate and are approved by

the area supervisor.

(4) The inspection service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated (i) by mutual consent; (ii) by thirty (30) days' written notice given by either party to the other party specifying the date of suspension, withdrawal, or termination; (iii) pursuant to the regulations in this part; (iv) upon one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the costs of the inspection service, or if the applicant fails to comply with the terms and conditions of this section.

## § 54.108 Grading performed on a resident grading basis.

(a) Charges. The charges to be collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided in this section. The charges to be made for any appeal grading shall be as provided in § 54.102. The charges for grading of domestic rabbits and edible products thereof shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service. United States Department of Agriculture (hereinafter referred to as "AMS"). Such full costs shall comprise such of the items listed

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in this section as are due and included, from time to time, in the bill or bills covering the period or periods during which the grading service was rendered. Bills will be rendered by the 10th day following the end of the month in which the service was rendered and are payable upon receipt. A charge will be made by AMS in the amount of one (1) percent per month, or fraction thereof, of any amounts remaining unpaid after 30 days from the date of billing.

- (1) A charge of \$5.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering service not specifically covered in this section; such as, but not limited to initial surveys;
- (2) A charge of \$100 for the final survey and inauguration of the grading service including the assignment of one grader;
- (3) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS: Provided, That no charge is to be made for salary cost of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant except when the assigned grader is performing service for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula concurred in jointly by the Departments of Defense and Agriculture;
- (4) A charge for the relief grader at the rate of the regular grader's salary and the actual travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual or sick leave:
- (5) A charge for the actual cost to AMS of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service for the applicant;
- (6) A charge to cover the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred (other than for the convenience of AMS) from an official station to the designated plant;
- (7) A charge equal to 20 percent of the base salary to cover an amount equal to the cost to AMS for the Employer's tax imposed under the United States Internal Revenue Code (26 U.S.C.) for Old Age and Survivors Benefits under the Social Security System and for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954, and benefits under the Federal Employees' Health Benefits Act of 1959, sick leave, annual leave and related servicing costs;
- (8) A charge equal to 7 percent of: (i) The overtime salary, (ii) the salary paid to each grader exclusive of one regular grader, and (iii) all charges made to the applicant for transportation and per diem which are paid by AMS to graders assigned to the applicant;
- (9) An administrative service charge based on the aggregate weight of the total monthly volume of all domestic

rabbits handled in the plant, and conputed in accordance with the following table:

### COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

Where an approved application is, in	
effect and no product is handled	\$25.00
1 to 100,000 pounds	40.00
100,001 to 200,000 pounds	55.00
200,001 to 300,000 pounds	65.00
300,001 to 400,000 pounds	75.00
400,001 to 500,000 pounds	85.00
For each additional 100,000 pounds,	
or fraction thereof, in excess of	
500,000 pounds	<sup>1</sup> 5. 00

- <sup>1</sup>The maximum charge shall not exceed \$175.00.
- (b) Other provisions. (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.
- · (2) AMS will provide as available an adequate number of graders to perform the grading service.
- (3) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

- (ii) Thirty (30) days' written notice by either the applicant or AMS specifying the date of suspension, withdrawal, or termination;
- (iii) One (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or
- (iv) Termination of the services pursuant to the regulations in this part.
- (4) Federally employed graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That, in no instance will the federally employed grader assume the duties of management.

#### § 54.109 Fees for grading service or inspection service performed under cooperative agreement.

The fees to be charged and collected for any grading service or inspection service performed under cooperative agreement shall be those provided for by such agreement.

#### § 54.110 Disposition of fees for inspection made under cooperative agreement.

Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Service.

#### § 54.111 Charges and other provisions where application is in effect during season of no operation.

(a) Charges. If an applicant requests in writing the removal of a grader or graders while the designated plant is closed for the season, and such request is granted by the Administrator, an ad-

ministrative service charge of \$25.00 shall be paid by the applicant for each calendar month in which the application is in effect and no product is processed. No other charges pursuant to \$54.108 will be applicable. A form for making a request in accordance with the provisions of this section may be obtained from the Administrator.

(b) Other provisions. In making a request, the applicant shall agree not to process or label any product until a grader is reassigned; to request reassignment of a grader twenty days prior to the date that operations will be resumed; and not to use or ship any packaging or labeling material bearing the official mark without prior approval of a Federal-State supervisor.

#### Inspection Procedures; Ante Mortem Inspections

## § 54.120 Manner of handling products in an official plant.

Unless otherwise specified in the regulations in this part or by the Administrator, products which are to be further processed under inspection in an official plant shall be prepared and handled in such official plant under the supervision of an inspector.

#### § 54.121 Ante mortem inspection.

An ante mortem inspection of domestic rabbits shall, where and to the extent considered necessary by the Administrator and under such instructions as he may issue from time to time, be made of domestic rabbits on the day of slaughter in any official plant processing domestic rabbits under inspection pursuant to the regulations in this part.

## § 54.122 Condemnation on ante mortem inspection.

Domestic rabbits found in a dying condition on premises of an official plant shall be immediately destroyed and together with any rabbits found dead on such premises shall be disposed of in accordance with § 54.132. Domestic rabbits plainly showing on ante mortem inspection any disease or condition, that under §§ 54.129 to 54.131, inclusive, would cause condemnation of their carcasses on post-mortem inspection, shall be condemned. Rabbits which on ante mortem inspection are condemned shall not be dressed, nor shall they be conveyed into any department of the plant where domestic rabbit products are prepared or held. Domestic rabbits which have been condemned on ante mortem inspection and have been killed shall, under the supervision of an inspector of the Inspection Service, receive treatment as provided in § 54.132.

## § 54.123 Segregation of suspects on ante mortem inspection.

All domestic rabbits which on ante mortem inspection do not plainly show, but are suspected of being affected with any disease or condition that under §§ 54.129 to 54.131, inclusive, may cause condemnation in whole or in part on post-mortem inspection, shall be segregated from the other domestic rabbits and held for separate slaughter, evisceration, and post-mortem inspection. The inspector shall be notified when such

segregated lots are presented for postmortem inspection and inspection of such rabbits shall be conducted separately. Such procedure for the correlation of ante mortem and post-mortem findings by the inspector, as may be prescribed or approved by the Administrator, shall be carried out.

### § 54.124 Quarantine of diseased domestic rabbits.

If live domestic rabbits, which are affected by any contagious disease which is transmissible to man, are brought into an official establishment, such domestic rabbits shall be segregated. The slaughtering of such domestic rabbits shall be deferred and they shall be dealt with in one of the following ways:

(a) If it is determined by a veterinary inspector that further handling of the domestic rabbits will not create a health hazard, the lot shall be subject to ante mortem and post-mortem inspection pursuant to the regulations in this part.

(b) If it is determined by a veterinary inspector that further handling of the domestic rabbits will create a health hazard, such domestic rabbits may be released for treatment under the control of an appropriate State or Federal agency. If the circumstances are such that release for treatment is impracticable, a careful rabbit-by-rabbit ante mortem inspection shall be made, and all domestic rabbits found to be, or which are suspected of being, affected with the contagious disease transmissible to man shall be condemned.

#### POST-MORTEM INSPECTION

#### § 54.125 Evisceration.

No viscera or any part thereof shall be removed from any domestic rabbits which are to be processed under inspection in any official plant, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook domestic rabbit.

### § 54.126 Carcasses held for further examination.

Each carcass, including all parts thereof, in which there is any lesion of disease or other condition, which might render such carcass or any part thereof unfit for human food, and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

### § 54.127 Condemnation and treatment of carcasses.

Each carcass, or any part thereof, which is found to be unsound, unwhole-some, or otherwise unfit for human food shall be condemned by the inspector and shall receive such treatment, under the supervision of the inspector as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

#### § 54.128 Certification of carcasses.

Each carcass and all parts and organs thereof which are found by the inspector to be sound, wholesome, and fit for human food shall be certified as provided in this part.

#### DISPOSITION OF DISEASED DOMESTIC RABBIT CARCASSES AND PARTS

#### § 54.129 General.

The carcasses or parts of carcasses of all domestic rabbits inspected at an official establishment and found at the time of post-mortem inspection, or at any subsequent inspection, to be affected with any of the diseases or conditions named in other sections in this part. shall be disposed of in accordance with the section pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules for each specific disease or condition and to designate at just what stage a disease process results in an unwholesome product, the decision as to the disposal of all carcasses, parts, or organs not specifically covered by the regulations, or by instructions of the Administrator issued pursuant thereto, shall be left to the inspector in charge, and if the inspector in charge is in doubt concerning the disposition to be made, specimens from such carcasses shall be forwarded to the laboratory for diagnosis.

## § 54.130 Diseases or conditions evident which require condemnation.

(a) Carcasses of domestic rabbits affected with or showing lesions of any of the following named diseases or conditions shall be condemned: Tularemia, Anthrax, Hemorrhagic Septicemia, Pyemia, Septicemia, Leukemia, Acute Enteritis, Peritonitis, Sarcomatosis, Metritis, Necro-bacillosis (Smorl's Disease), Tuberculosis, Emaciation, Streptobacillary Pseudotuberculosis, Advanced stages of Snuffles. Rabbits from pathological laboratories shall be condemned.

(b) Any organ or part of a domestic rabbit carcass affected with a tumor shall be condemned and when there is evidence that the general condition of the rabbit has been affected by the size, position, or nature of the tumor, the whole carcass shall be condemned. In cases of malignant neoplasms involving any internal organ to be marked extent, or affecting the muscles, skeleton, or body lymph glands, even primarily, the whole carcass shall be condemned.

(c) Carcasses of domestic rabbits showing any disease such as generalized melanosis, pseudoleukemia, and the like, which systemically affect the rabbit, shall be condemned.

(d) Any organ or part of a carcass which is badly bruised or which is affected by an abscess, or a suppurating sore, shall be condemned. Parts or carcasses which are contaminated by pus shall be condemned.

(e) Carcasses of rabbits contaminated by volatile oils, paints, poisons, gases, or other substances which affect the wholesomeness of the carcass shall be condemned.

(f) All carcasses of domestic rabbits so infected that consumption of the meat or meat food products thereof may give rise to meat poisoning shall be condemned. This includes all carcasses showing signs of any of the following diseases: Acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges; Septicemia or pyemia, whether traumatic, or without evident cause; Gangrenous or severe hemorrhagic enteritis or gastritis; Polyarthritis and acute nephritis. Immediately after the slaughter of any rabbit so infected, the infected premises and implements used shall be thoroughly sanitized. The part or parts of any carcass coming into contact with the carcass or any part of the carcass of any rabbit covered by this section other than those affected with acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges, shall be condemned. In case the contaminated part is not removed from the carcass within two hours after such contact the whole carcass shall be condemned.

- (g) Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which, as a result of a pathological condition, show an intense yellow or greenish-yellow discoloration without evidence of infection or intoxication shall be condemned.
- (h) Carcasses of domestic rabbits affected with mange or scab in advanced stages, or showing emaciation or extension of the inflammation to the flesh, shall be condemned. When the diseased condition is slight, the carcass may be passed for food after removal and condemnation of the affected parts.
- (i) In the disposal of carcasses and parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them may be radically removed, the nonaffected portion of the carcass, or part of the carcass may be certified for food after the removal and condemnation of the affected portions. Where a part of a carcass shows numerous lesions caused by parasites, or the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. Where parasites are found to be distributed in a carcass in such a manner or to be of such a character that their removal and the removal of the lesions caused by them are impracticable, no part of the carcass shall be certified for food and the entire carcass shall be condemned. Carcasses infested with a hydatid cyst or cysts (Echinococcus granulosis), transmissible to dogs and from dogs to man, shall in all cases be condemned regardless of the degree of infestation.
- (j) Carcasses of domestic rabbits showing such degree of emaciation or anemic condition as would render the meat unwholesome, and carcasses which show a slimy degeneration of the fat or a serous

infiltration of the muscles, shall be condemned.

#### § 54.131 Decomposition.

Carcasses of domestic rabbits deleteriously affected by post-mortem changes shall be disposed of as follows:

- (a) Carcasses which have reached a state of putrefaction or stinking fermentation shall be condemned.
- (b) Any part of a carcass which is green struck shall be condemned and if the carcass is so extensively affected that removal of affected parts is impracticable, the whole carcass shall be condemned.
- (c) Carcasses affected by types of post-mortem change which are superficial in nature may be certified for food after removal and condemnation of affected parts.

#### § 54.132 Disposal of condemned carcasses and parts.

All condemned carcasses, or parts of carcasses, shall be disposed of by one of the following methods, under the supervision of an inspector of the Inspection Service: (Facilities and materials for carrying out the requirements in this section shall be furnished by the official establishment.)

- (a) Steam treatment (which shall be accomplished by processing the condemned product in a pressure tank under at least 40 pounds of steam pressure) or thorough cooking in a kettle or vat for a sufficient time to effectively destroy the product for human food purposes and preclude dissemination of disease through consumption by animals. Tanks and equipment used for this purpose or for rendering or preparing inedible products shall be in rooms or compartments separate from those used for the preparation of edible products. There shall be no direct connection, by means of pipes, or otherwise, between tanks containing inedible products and those containing edible products.
- (b) Incineration or complete destruction by burning.
- (c) Chemical denaturing, which shall be accomplished by the liberal application to all carcasses and parts thereof,
  - (1) Crude carbolic acid
- (2) Kerosene, fuel oil or used crank case oil, or
- (3) Any phenolic disinfectant conforming to commercial standards CS 70–41 or CS 71–41 which shall be used in at least 2 percent emulsion or solution.
- (4) Any other substance that the Administrator approves which will decharacterize the carcasses or parts to the extent necessary to accomplish the purposes of this section.

#### REINSPECTION AND INGREDIENTS

#### § 54.133 Reinspection of edible products; ingredients.

(a) Any inspected and certified edible product may be brought into an official plant only if the container of such product is marked for identification in the manner prescribed in § 54.71(b) and the product is reinspected by an inspector at the time it is brought into such plant.

Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome; or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive treatment as provided in § 54.127.

- (b) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems it necessary in order to ascertain whether such product is sound, wholesome, and fit for human food at the time such product leaves such plant. Upon any such inspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food such product or portion thereof shall be condemned and shall receive treatment as provided in § 54.127.
- (c) All substances and ingredients used in the manufacture or preparation of any edible product shall be clean, sound, wholesome, and fit for human food. Liquid and frozen egg products used in the preparation of any edible product shall have been prepared under continuous inspection of the Department.

#### APPEALS

### § 54.134 Appeal inspections; how made.

Any person receiving inspection service may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision: Provided. That such appeal is filed within 48 hours from the time the decision was made. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal. Review of such appeal findings. when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection. The cost of any such appeal shall be borne by the appellant if the Administrator determines that the appeal is frivolous. The charges for such frivolous appeal shall be at the rate of \$5.40 per hour for the time required to make the appeal inspection.

#### INSPECTION CERTIFICATES

#### § 54.140 Forms of inspection certificates.

Each inspection certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form, and:

- (a) Each domestic rabbit inspection certificate shall show the class or classes of domestic rabbits, the quantity of product contained in the respective lot, and all pertinent information concerning the condition and wholesomeness thereof;
- (b) Each food product inspection certificate shall show the names of the edible products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information concerning the condition and wholesomeness thereof;
- (c) Each export certificate shall show the respective names of the exporter and the consignee, the destination, the shipping marks, the numbers of the export

stamps attached to the edible products to be exported and covered by the certificate, and the names of such products and the total net weight thereof.

### § 54.141 Issuance and disposition of domestic rabbits inspection certifi-

(a) Upon the request of an interested party, any inspector is authorized to issue a domestic rabbit inspection certificate with respect to any lot of domestic rabbits inspected by him. Each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of domestic rabbits, each such inspector shall sign the certificate with respect to such lot.

(b) The original and a copy of each inspection certificate, issued pursuant to §§ 54.140 to 54.144, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the area supervisor serving the area in which the inspection was performed, and the remaining copies shall be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 54.105.

### § 54.142 Food product inspection certificates; issuance and disposition.

- (a) Upon the request of an interested party, any inspector is authorized to issue a food product inspection certificate with respect to any inspected and certified edible product after suitable examination of the product has been made by the inspector.
- (b) The original of each food product inspection certificate, and not to exceed two copies thereof, if requested, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Another copy shall be filed in the office of the regional supervisor serving the area in which such certificate was issued, and one copy shall be forwarded to the Administrator. The last named two copies shall be retained until otherwise ordered by the Administrator.

#### § 54.143 Export certificates; issuances and disposition.

(a) Upon the request of an exporter, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(b) Each export certificate shall be issued in quintuplicate; the original shall be delivered to the exporter who requested such certificate; and the duplicate copy shall be delivered to the agent of the railroad or other carrier transporting such products from the United States. The triplicate copy of such export certificate shall be forwarded to the Administrator; the quadruplicate copy shall be filed in the office of the regional supervisor serving the area in which such export certificate was issued and the memorandum copy shall be retained by the inspector for filing. The last named three copies shall be retained until otherwise ordered by the Administrator.

### § 54.144 Advance information.

Upon the request of an applicant, all or part of the contents of any inspection certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

#### GRADING

#### § 54.150 General.

Grading service performed with respect to any quantity of products shall, as the case may require, be on the basis of an examination, pursuant to the regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Whenever the grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers as indicated in the following table:

[Minimum number of containers comprising a representative sample]

	Containers
	in samples
3 containers, or less	(1)
4 to 10, inclusive	3
11 to 20, inclusive	4
21 to 50, inclusive	7
51 to 100, inclusive	
In excess of 100 containers	
1.411 containors	

All containers.

2.10 percent of the number of containers in the lot.

#### § 54.152 Ready-to-cook domestic rabbits.

(a) In an official plant, Grading service performed in an official plant with respect to ready-to-cook domestic rabbits shall, as the case may require. be on the basis of each individual carcass or on a representative sample basis.

(1) Only such ready-to-cook domestic rabbits which have been inspected and certified, pursuant to the regulations in this part, or have been inspected and passed by any other official inspection system which is acceptable to the Administrator, may be graded.

(2) Only such ready-to-cook domestic rabbits which are of A Quality or B Quality and which were graded on an individual carcass basis by a grader or by a limited licensee, pursuant to § 54.20(d) and thereafter check graded by a grader may be individually identified with the appropriate grade mark, and any container of such ready-to-cook domestic rabbits may also be so identified. The grading of ready-to-cook domestic rabbits shall be performed prior to the disjointing or cutting up of the carcass.

(3) If the ready-to-cook domestic rabbits are of C Quality only the bulk container of such ready-to-cook domestic rabbits may be identified with the appropriate grade mark even though the grading may have been performed on an individual carcass basis.

. (b) At terminal markets and other receiving points. Grading service performed with respect to ready-to-cook domestic rabbits at terminal markets and other receiving points may be on a representative sample basis. Only ready-to-cook domestic rabbits which were processed in an official plant and are graded on an individual carcass basis may be individually identified with a grade mark. Only ready-to-cook domestic rabbits which were inspected and certified and are marked with the inspection mark or in accordance with the provisions of §54.71(b) may be graded.

#### Basis of Acceptability of Other OFFICIAL INSPECTION SYSTEMS

### § 54.160 General.

Any domestic rabbit inspection system may be deemed to be acceptable to the Administrator which (a) is conducted under the authority of laws, or-dinances, or similar enactments of the State, county, city, or other political subdivision in which is located the official plant at which the ready-to-cook domestic rabbits are prepared and submitted for grading service; and (b) imposes at least the requirements set forth in § 54.161: Provided, That no such inspection shall be deemed acceptable to the Administrator with respect to any official plant in which ready-to-cook domestic rabbits are prepared if he finds at any time that such requirements are not adequately enforced.

#### § 54.161 Requirements as to manner of inspection.

(a) The inspection shall be conducted by an inspector who is a qualified veterinarian or under the supervision of a qualified veterinarian. All such inspectors shall be employed by the State, county, city, or other political subdivision in which the official plant is located.

(b) The inspection shall include postmortem examination of each domestic rabbit carcass during the evisceration operation.

(c) All carcasses which show evidence of disease or any other condition which may render them unwholesome or unfit for food shall be condemned and shall be destroyed for food purposes under the supervision of an inspector. Each carcass and part thereof which has been inspected and passed or containers of carcasses or parts thereof shall bear the identifying inspection symbol of the official inspection system and the marking devices or labels shall be in the custody of the inspector at all times.

### § 54.162 Determining compliance with § 54.161.

A qualified veterinary supervisor of the domestic rabbit grading service shall investigate the manner of operation of the inspection system to determine the adequacy of the post-mortem examination and the compliance with the requirements contained in §§ 54.160 to 54.162 prior to approving the official plant for the grading of ready-to-cook domestic rabbits. This supervisor as well as any official graders who may be stationed in the official plant shall periodically observe the inspection operations in the official plant to determine that the requirements of §§ 54.160 to 54.162 are being met. If at any time the inspector fails to enforce the requirements as set forth in the inspection system, grading service may be withdrawn from the official plant.

#### GRADING CERTIFICATES

#### § 54.170 Forms.

Grading certificates (including appeal grading certificates) shall be issued on forms approved by the Administrator.

### § 54.171 Issuance and disposition.

(a) Each grader shall issue a grading certificate covering each product graded.

(b) The original and a copy of each grading certificate, issued pursuant to §§ 54.170 to 54.172, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the area supervisor serving the area in which the grading was performed, and the remaining copies to be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 54.105.

### § 54.172 Advance information.

Upon request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

### APPEAL GRADING

## § 54.190 Application for appeal grading.

An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading certificate only if the identity of the product, or representative sample thereof, on the basis of which a determination was made has not been lost, and such application for the appeal grading is made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

### § 54.191 How to obtain appeal grading.

Appeal grading may be obtained by filing a request therefor (a) with the Administrator, (b) with the grader who issued the grading certificate with respect to which the appeal grading is. requested, (c) with the immediate superior of such grader, or (d) with the officer in charge of any office of grading. The application for appeal grading shall clearly state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is made. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If

made orally, written confirmation may be required.

### § 54.192 Record of filing time.

A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

### § 54.193 When an application for an appeal grading may be refused.

Notwithstanding the provisions of § 54.190, if it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products that were examined to ascertain the grade thereof cannot be made accessible for reexamination, or the act or regulations in this part have not been complied with. the Administrator may refuse the applicant's request for the appeal grading, and such applicant shall be promptly notified of the reason for such refusal.

### § 54.194 When an application for appeal grading may be withdrawn.

An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Service in connection with such application.

### § 54.195 Who shall perform the appeal grading.

An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practical, such appeal grading shall be conducted jointly by two such graders.

## § 54.196 Appeal grading by immediate superior.

Notwithstanding the provisions of §§ 54.190 to 54.198, whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

### § 54.197 Order of performance of appeal gradings.

Appeal gradings shall be performed, insofar as practical, in the order in which applications therefor are received; but any such application may be given precedence pursuant to § 54.37.

### § 54.198 Appeal grading certificates.

Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued. If the results of the appeal grading indicate that the original grading was not materially in error, the appeal grading certificate shall confirm the original grading. If the results of the appeal grading indicate that a material error was made in the original grading, the results of such appeal grading shall be shown on the appeal grading certificate and the appeal grading certificate shall supersede any previous grading certificate for the product

involved. Such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and the date of the grading certificate which it supersedes. The Administrator may withhold the issuance of an appeal grading certificate until the original grading certificate which it supersedes has been returned to the issuing office when such action is deemed necessary to protect the interest of the Government. The provisions of §§ 54.170 to 54.172 shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished to each interested party of record.

### SUPERSEDED CERTIFICATES

### § 54.205 Superseded certificates.

Whenever any grading certificate is superseded in accordance with the regulations in this part such certificate shall become null and void as of the effective time of supersedure. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading certificate or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

#### SANITARY REQUIREMENTS

- GENERAL

# § 54.210 Minimum standards for sanitation, facilities, and operating procedures in official plants.

The provisions of §§ 54.210 to 54.247 shall apply with respect to grading service and inspection service in all official plants. The table set forth in § 54.247 indicates some of the types of material which may be used in the construction of equipment, utensils and facilities for use in the plant.

### BUILDINGS AND PLANT FACILITIES

### § 54.220 Buildings.

The buildings shall be of sound construction and kept in good repair, and shall be of such construction as to prevent the entrance or harboring of vermin.

(a) Outside openings. (1) The doors, windows, skylights and other outside openings of the plant, except receiving rooms and live rabbit holding rooms, shall be protected by properly fitted screens or other suitable devices against the entrance of flies and other insects.

(2) Outside doors, except in receiving rooms and live rabbit holding rooms shall be self-closing and so hung that not over ¼ inch clearance remains when closed. Screen doors shall open toward the outside of the building.

#### § 54.221 Rooms and compartments.

Rooms and compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where rabbits are slaughtered and skinned. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall

be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

- (a) Rooms for separate operation. The official plant should have separate rooms for each of the following operations depending upon the various types of operations conducted; but in no case shall the receiving or holding of live rabbits or killing operations be permitted in rooms in which eviscerating operations are performed:
- (1) The receiving and feeding of live rabbits.
  - (2) Killing and skinning operations.
- (3) Eviscerating, chilling, and packing operations for ready-to-cook rabbits.
  - (4) Inedible products departments.
  - (5) Refuse room.
- (b) Rooms for holding carcasses for further inspection. Rooms and compartments in which carcasses or parts thereof are held for further inspection shall be in such number and such location as the needs of the inspection in the plant may require. They shall be equipped with locks and keys and the keys shall not leave the custody of the inspector in charge of the plant. All such rooms and compartments shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.
- (c) Coolers and freezers. Coolers and freezers of adequate size and capacity shall be provided to reduce the internal temperature of ready-to-cook domestic rabbits prepared and otherwise handled in the plant to 36° F. within 24 hours unless other cooling facilities are available.
- (d) Refuse rooms. Refuse rooms shall be entirely separate from other rooms in the plant, and shall have tight fitting doors and be properly ventilated.
- (e) Storage and supply rooms. The storage and supply rooms shall be in good repair, kept dry, and maintained in a sanitary condition.
- (f) Boiler room. The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where ready-to-cook rabbits are prepared, processed, handled and stored.
- (g) Inspector's office. Furnished office space, including, but not being limited to, light, heat and janitor service shall be provided rent free in the official plant, for the exclusive use for official purposes of the inspector or grader and the Administration. The room or rooms set apart for this purpose must meet with the approval of the regional supervisor and be conveniently located, properly ventilated and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors and graders to change clothing.
- (h) *Toilet rooms*. Toilet rooms opening directly into rooms where domestic rabbit products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

### § 54.222 Floors, walls, ceilings, etc.

(a) Floors. All floors in rooms where exposed products are prepared or

handled shall be constructed of, or finished with materials impervious to moisture, so they can be readily and thoroughly cleaned. The floors in killing, ice cooling, ice packing, eviscerating, cooking, boning, and cannery rooms shall be graded for complete runoff with no standing water.

(b) Walls, posts, partitions, doors. All walls, posts, partitions, and doors in rooms where exposed products are prepared or handled shall be smooth and constructed of materials impervious to moisture to a height of six feet above the floor to enable thorough cleaning. All surfaces above this height must be smooth and finished with moisture-resistant material.

(c) Ceilings. Ceilings must be moisture-resistant in rooms where exposed products are prepared or handled, and finished and sealed to prevent collection of dirt or dust that might sift through flooring above or fall from collecting surfaces on equipment or exposed product.

### § 54.223 Drainage and plumbing.

There shall be an efficient drainage and plumbing system for the plant and premises.

- (a) Drains and gutters. All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick run-off of all water from plant buildings, and surface water around the plant and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.
- (b) Sewage and plant wastes. (1) The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize, and if possible to prevent, stoppage and surcharging of the system.
- (2) Grease traps which are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from, or loaded into, vehicles. To facilitate cleaning, such traps shall have inclined bottoms and be provided with suitable covers.
- (3) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings unless they are positively trapped to prevent backing up. Drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.
- (4) All floor drains shall be equipped with traps, constructed so as to minimize clogging; and the plumbing shall be so installed as to prevent sewerage from backing up and from flooding the floor.
- (5) Floor drainage lines should be of metal and at least 4 inches in diameter and open into main drains of at least 6 inches in diameter and shall be properly vented to outside air.
- (6) Where refrigerators are equipped with drains, such drains should be properly trapped and should discharge through an air gap into the sewer system. All new installations, and all replacements, or refrigerators equipped

with drains shall meet these requirements.

### § 54.224 Water supply.

The water supply shall be ample, clean, and potable with adequate facilities for its distribution in the plant, and its protection against contamination and pollution.

- (a) Hot water at a temperature not less than 180° F. shall be available for sanitation purposes.
- (b) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.
- (c) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms; and the rooms, cans, and equipment shall be cleaned after each day's

### § 54.225 Lavatory accommodations.

Modern lavatory accommodations, and properly located facilities for cleaning utensils and hands, shall be provided.

- (a) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water and cold water, soap, and towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products.
- (b) Sufficient metal containers shall be provided for used towels and other wastes.
- (c) An adequate number of hand washing facilities serving areas where dressed domestic rabbits and edible products are prepared shall be operated by other than hand-operated controls, or shall be of a continuous flow type which provides an adequate flow of water for washing hands.
- (d) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.
- (e) Toilet facilities shall be provided according to the following formula:

		Toi	let bowls
Persons o	f same sex:	re	equired
1 to 1	5, inclusive		1
16 to 3	5, inclusive		2
36 to 5	5, inclusive		13
	0, inclusive		
	h additional		
	s of 80		

<sup>1</sup>Urinals may be substituted for toilet bowls but only to the extent of  $\frac{1}{3}$  of the total number of bowls stated.

### § 54.226 Lighting and ventilation.

There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(a) All rooms in which domestic rabbits are killed, eviscerated, or otherwise processed shall have at least 30 foot candles of light intensity on all working surfaces except that at the grading and inspection stations such light intensity shall be of 50 foot candles. In all other rooms there shall be provided at least 5 foot candles of light intensity when

measured at distance of 30 inches from the floor.

(b) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

#### EQUIPMENT AND UTENSILS

### \$ 54.230 Equipment and utensils.

Equipment and utensils used for the preparation, processing, or other handling of any product in the plant shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products.

(a) Live rabbit holding pens shall be so constructed as to allow satisfactory ante mortem examination and to permit

proper cleaning.

(b) Metal refuse containers shall be provided; and such containers shall be kept covered.

(c) Insofar as it is practical, equipment and utensils shall be made of metal or other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctly marked and shall not be used for handling any edible products.

(d) Chilling vats or tanks used for chilling ready-to-cook domestic rabbits shall be made of metal or other hard-

surfaced impervious material.

- (e) Where grading bins are used for ready-to-cook domestic rabbits they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins and all ready-to-cook domestic rabbits shall be kept off the floor. Grading bins may be made of metal or enameled wood and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.
- (f) Except as otherwise provided herein, all equipment and utensils used in the killing, skinning, eviscerating, chilling, and packing rooms shall be of metal or other impervious material and constructed so as to permit proper and complete cleaning.
- (g) Conveyors: (1) Conveyors used in the preparation of ready-to-cook domestic rabbits shall be of metal or other acceptable material and of such construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass.
- (2) Overhead conveyors shall be so constructed and maintained that they do not allow grease, oil, or dirt to accumulate on the drop chain or shackle, which shall be of noncorrosive metal.

(3) Non-metallic belt-type conveyors used in moving edible products shall be of water-proof composition.

- (h) Inspection, eviscerating, and cutting tables shall be made of metal and have coved corners and be so constructed and placed to permit thorough cleaning.
- (i) In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction.
- (j) Water spray washing equipment shall be used for washing carcasses inside and out.

(k) Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of ready-tocook domestic rabbits.

(1) Watertight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned: such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

(m) Freezing rooms should be adequately equipped to freeze ready-to-cook domestic rabbits solid in less than 48 hours. Ready-to-cook domestic rabbits should be frozen at temperatures of  $-10^{\circ}$  F. to  $-40^{\circ}$  F. and should be stored at 0° F. or below, with the temperature maintained as constant as possible. Freezing rooms should be equipped with floor racks or pallets and fans to insure air circulation.

(n) Cooling racks should be made of metal and be readily accessible for thorough washing and cleaning. All replacements of cooling racks shall be

made of metal.

(o) Trucks and receptacles in which carcasses or parts thereof are held for further inspection shall be in such number and such location as the needs of the inspection in the plant may require. They shall be equipped for locking by means of lock and key and the key shall not leave the custody of the inspector in charge of the plant. Such trucks and receptacles shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

### § 54.231 Accessibility.

All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.

#### § 54.232 Restrictions on use.

Equipment and utensils used in the official plant shall not be used outside the official plant except under such conditions as may be prescribed or approved by the national supervisor, and equipment used in the preparation of any article (including, but not being limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the national supervisor.

MAINTENANCE OF SANITARY CONDITIONS AND PRECAUTIONS AGAINST CONTAMINATION OF PRODUCTS

#### § 54.240 General.

·The premises shall be kept free from refuse, waste materials, and all other sources of objectionable odors and conditions.

#### § 54.241 Cleaning of rooms and compartments.

Rooms, compartments, or other parts of the official plant shall be kept clean and in sanitary condition.

(a) All blood, offal, rabbits or parts of rabbits too severely damaged to be salvaged and all discarded containers

and other materials shall be completely disposed of daily.

- (b) All windows, doors, and light fixtures in the official plant shall be kept clean.
- (c) All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.
- (d) Live rabbit receiving docks and receiving rooms shall be of such construction as readily to permit their thorough cleaning; and such docks and rooms should be kept clean at all times.

(e) Floors in live rabbit holding rooms shall be cleaned with such regularity as may be necessary to maintain them in a sanitary condition.

(f) The killing and skinning room shall be kept clean and free from offensive odors at all times.

(g) The walls, floors, and all equipment and utensils used in the killing and skinning room shall be thoroughly washed and cleaned after each day's operation.

(h) The floor in the killing and skinning rooms shall be cleaned frequently during killing and skinning operations and be kept reasonably free from accumulated blood, offal, water and dirt.

(i) All equipment in the toilet room and locker room, as well as the room itself, shall be kept clean, sanitary, and in

good repair.

(j) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from refrigerating coils onto products).

### § 54.242 Cleaning of equipment and utensils.

Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair.

- (a) Pens shall be cleaned regularly and the manure removed from the plant daily.
- (b) All equipment and utensils used in the killing and skinning rooms shall be thoroughly washed and cleaned after each day's operation. The eviscerating, chilling, and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.
- (c) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

(d) All crates or pens used for transporting live domestic rabbits to the plant

shall be cleaned regularly.

- (e) Chilling vats or tanks, if practicable, shall be emptied after each use. They shall be thoroughly cleaned once daily, and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be approved or prescribed by the Administrator.
- (f) When synchronized overhead conveyors and tray conveyors are used, the trays shall, be completely washed and sanitized after being automatically emptied of inedible viscera.
- (g) When a conveyor tray operation is used, each carcass shall be eviscerated in an individual metal tray of seamless con-

struction; and such trays shall be completely washed and sanitized after each use.

- (h) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of ready-to-cook domestic rabbits shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.
- (i) Drums, cans, tanks, vats, and other receptacles used to hold or transport ready-to-cook domestic rabbits shall be kept in a clean and sanitary condition.

#### § 54.243 Operations and procedures.

Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.

- (a) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or other places in the plant where any product is prepared, stored, or otherwise handled.
- (b) Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.
- (c) In the final washing, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water.
- (d) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.
- (e) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.
- (f) Mechanized packaging equipment shall be maintained in good sanitary condition.
- (g) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.
- (h) Paper and other material used for lining containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product. Wooden containers to be used for packaging ready-to-cook rabbits shall be fully lined except when the individual carcasses to be packaged therein are fully wrapped.
- (i) Protective coverings shall be used for the product in the plant and as it is distributed from the plant, as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.
- (j) Refuse may be moved directly to loading docks only for prompt removal.
- (k) Cleanliness and hygiene of personnel: (1) All employees coming in contact with exposed edible products or edible products handling equipment shall wear clean garments and should wear caps or hair nets, and shall keep their hands clean at all times while thus engaged.

(2) Hands of employees handling edible products or edible products handling equipment shall be free of infected cuts, boils, and open sores at all times while thus engaged.

(3) Every person after each use of toilet or change of garments shall wash his hands thoroughly before returning to duties that require the handling of edible products or containers therefor, or edible products handling equipment.

(4) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

# § 54.244 Temperatures and cooling and freezing procedures.

Temperatures and procedures which are necessary for cooling and freezing of domestic rabbits in accordance with sound commercial practice shall be maintained in the coolers and freezers, and chilling temperatures and procedures shall also be in accordance with sound commercial practice.

- (a) Cooling. Immediately after evisceration and washing of the carcass, it shall be placed in a cooling tank containing running cold tap water to remove the animal heat from the carcass. Carcasses shall not be allowed to remain in the cooling tank for longer than one hour.
- (b) Air chilling. Immediately after the initial water chilling, the carcasses shall be placed in cooling racks and thereupon placed in a refrigerated cooler with moderate air movements and a temperature which will reduce the internal temperature of the carcasses to from 36° F. to 40° F., both inclusive, within 24 hours.
- (c) Freezing. (1) When ready-tocook domestic rabbits are packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant cartons or the containers should be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that watervapor loss from the product is considerably retarded or prevented. The rabbit carcasses should receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in less than 48 hours.
- (2) Frozen ready-to-cook rabbits shall be held under conditions which will maintain the product in a solidly frozen state with temperature maintained as constant as possible.

  (d) Refrigeration. Immediately after
- (d) Refrigeration. Immediately after packaging, all ready-to-cook domestic rabbits, other than those which are shipped from the plant in a refrigerated carrier, should be moved into the freezer, except that a period not exceeding 72 hours will be permitted for transportation and temporary holding before placing in the freezer provided such rabbits are held at not above 36° F.

### § 54.245 Vermin.

Every practicable precaution shall be taken to exclude flies, rats, mice, and

other vermin from the official plant. Dogs, cats, and other pets shall be excluded from rooms where edible products are processed, handled, or stored.

#### § 54.246 Exclusion of diseased persons.

No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked edible products are prepared, processed, or otherwise handled.

§ 54.247 Table showing types of materials.

Equipment, utensils, and facilities	Iron	Stainless steel and monel metal	Alumi- num	Galva- nized iron
Holding pens	A.	A A	A A	A A
Overhead con- veyors,	A	A	<b>A</b> .	A.
Conveyor track	A	A A		A
Shackles		A.		A,
Shackle chain	A	A		A
Eviscerating		A	A	A.
pans.	l .	•		
Inspection table		A	A ·	Α .
Inside and out-		A	A	A
side washer.				
Cooling tanks		A	A	A
and racks.				
Utensils for han-		A	A	A
dling edible		42	12	72
products.				
Framework (of				
	A.			
equipment).				
		<u> </u>		

Key: A-Acceptable.

### Subpart B—United States Standards for Domestic Rabbits and Edible Products Thereof

U.S. SPECIFICATIONS FOR CLASSES OF READY-TO-COOK DOMESTIC RABBITS

### § 54.260 General.

For the purpose of §§ 54.260 to 54.262, the classes of ready-to-cook domestic rabbits are fryer rabbits and roaster rabbits. The flesh of a fryer domestic rabbit is tender and-fine-grained, and of a bright pearly white color. The flesh of a roaster domestic rabbit is more firm and coarse-grained; the muscle fiber is slightly darker in color and less tender than that of a fryer domestic rabbit; and the fat may be more creamy in color than that of a fryer domestic rabbit.

### § 54.261 Fryer.

A fryer is a young domestic rabbit carcass weighing not less than  $1\frac{1}{2}$  pounds and rarely more than  $3\frac{1}{2}$  pounds; and processed from a rabbit usually less than 12 weeks of age.

### § 54.262 Roaster.

A roaster is a mature or old domestic rabbit carcass of any weight but usually over 4 pounds; and processed from a rabbit over 12 weeks of age, usually 8 months old or older.

U.S. SPECIFICATIONS FOR STANDARDS OF QUALITY FOR INDIVIDUAL READY-TO-COOK DOMESTIC RABBITS

#### § 54.270 General.

Carcasses found to be unsound, unwholesome, or unfit for food shall not be included in any of the quality designations specified in §§ 54.275 to 54.277.

#### PROPOSED RULE MAKING

#### STANDARDS OF QUALITY

#### § 54.275 A Quality.

To be of A Quality the carcass:

- (a) Is short, thick, well-rounded, and full-fleshed.
- (b) Has a broad back, broad hips, and broad, deep fleshed shoulders, and firm muscle texture.
- (c) Has a fair quantity of interior fat in the crotch and over the inner walls of the carcass, and a moderate amount of interior fat around the kidneys.
- (d) Shows no evidence of coagulated blood in the veins and is free from any evidence of reddening of the flesh due to blood in the connective tissues.
- (e) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet.
- (f) Is free from broken bones, flesh bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

#### § 54.276 B Quality.

To be of B Quality the carcass:

- (a) Is short, thick, fairly well-rounded and fairly well-fleshed.
- (b) Has a fairly broad back, fairly broad hips, and fairly broad and deep-fleshed shoulders, and fairly firm muscle texture.
- (c) Has at least a small amount of interior fat in the crotch and over the inner walls of the carcass with a small amount of interior fat around the kidneys.
- (d) Shows no evidence of coagulated blood in the veins and is free from any evidence of reddening of the flesh due to blood in the connective tissues.
- (e) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet.
- (f) Is free from broken bones and practically free from bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

### § 54.277 C Quality.

A carcass that does not meet the requirements of A or B Quality may be of C Quality and such carcass:

- (a) May be long, rangy, and fairly well fleshed.
- (b) May have thin, narrow back and hips, and soft flabby muscle texture.
- (c) May show very little evidence of exterior fat.
- (d) May show very slight evidence of reddening of the flesh due to blood in the connective tissues.
- (e) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or feet.

(f) May have moderate bruises of the flesh, moderate defects, and moderate deformities; have not more than one broken bone in addition to broken ends of leg bones due to removal of the feet; and may have a small portion of the carcass removed because of serious bruises.

# Subpart C—Forms, Instructions, and Applications

FORMS OF OFFICIAL IDENTIFICATION

### § 54.280 Forms of official identification.

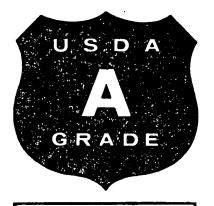
The forms prescribed in §§ 54.280 to 54.282 are subject to the requirements of §§ 54.60 to 54.63, Identifying and Marking Products.

### § 54.281 Form of grade mark.

The grade mark approved for use pursuant to § 54.61 on a graded product shall be contained within a shield of the form and design indicated in the example in Figure 1. The information which is required in such mark shall be: (a) The letters "USDA," (b) the appropriate U.S. Grade of the product. The information within the shield shall be printed in a light color on a dark field. In addition, a term such as "Federal-State Graded" or "Government Graded" may be used adjacent to but not within the shield design grade mark (in a form similar to that illustrated in Figure 2). The class of the domestic rabbits shall be shown on the label which bears the grade mark if it is not shown prominently elsewhere on the packaging material. The appropriate designation "young," "mature" or "old" may be used as a prefix to the words "domestic rabbit" in lieu of the class name. When the grade mark is applied to an individual carcass which is not individually packaged and labeled, the information with respect to the class of the domestic rabbits shall be included in the same label which bears the grade mark and the plant number or the firm name and address shall also be included on the label which bears the grade mark.



FIGURE 1.



Federal-State Graded

FIGURE 2.

### § 54.282 Form of inspection mark.

The inspection mark approved for use on inspected and certified edible products shall be contained within a circle and include the following wording: "Inspected for Wholesomeness by U.S. Department of Agriculture." The form and arrangement of such wording shall be as indicated in the example in Figure 3. The plant number of the official plant shall be set forth if it does not appear on the packaging material.



FIGURE 3.

### APPLICATION FOR GRADING SERVICE

### § 54.290 Application for grading service with respect to domestic rabbits.

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 54) governing the grading of domestic rabbits and edible products thereof and United States classes, standards and grades with respect thereto, for domestic rabbit grading service at the following designated plant:

Name of plant	
Street address	
City and State	

In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to, such instructions governing the grading of products as may

be issued, from time to time, by the Administrator). This application is made for grading service to be performed on a resident grading basis in accordance with § 54.108 and such other provisions of the aforesaid regulations as are applicable.

Ву		icant) 1	
•	(S	treet)	
	(City)	(State)	
	(D.	ate)	•
Application gran	ited:		
(Date)			

APPLICATION FOR INSPECTION. SERVICE

(Title)

§ 54.281 Application for inspection of domestic rabbits and edible products thereof for condition and wholesomeness.

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 54) governing the inspection of domestic rabbits and edible products thereof for inspection for condition and wholesomeness at the following designated plant:

Name of plant\_\_\_\_\_\_Street address\_\_\_\_\_\_City and State\_\_\_\_\_\_

In making this application the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to such instructions governing inspection of products as may be issued, from time to time, by the Administrator). This application is made for inspection service to be performed on a resident inspection basis in accordance with § 54.107 and such other provisions of the aforesaid regulations as are applicable.

В		licant) 1
	(S1	treet)
•	(City)	. (State)
Application gra		Date)
(Doto)		

(Title)

§ 54.282 Application for inspection of canning and processing of domestic rabbits in plants operating under Federal meat inspection service.

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 54) governing the inspection of domestic rabbits and edible products thereof for inspection for condition and wholesomeness of domestic rabbits canned or otherwise processed at the following designated plant:

Name of plant	_4
Street address	
City and State	
In making this application the	

In making this application the applicant agrees to comply with the terms and condi-

tions of the aforesaid regulations (including but not being limited to such instructions governing inspection of products as may be issued, from time to time, by the Administrator). This application is made for inspection service to be performed on a resident inspection basis in accordance with \$54.107, and such other provisions of the aforesaid regulations as are applicable.

ъ	(Applicant)				
	(Str	eet)			
	(City) ·	(State)			
Application gran	(Da	ite)			
(Date)	·	•			
(Title)					
(Sec. 205, 60 Stat.	1090, as amen	ded; 7 U.S.C.			

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622)

Issued at Washington, D.C., this 1st day of August 1960.

ROY W. LENNARTSON, Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 60-7264; Filed, Aug. 4, 1960; 8:45 a.m.]

### [7 CFR Parts 905, 987, 1014]

[Docket Nos. AO-297-A-1; AO-252-A-6; AO-304-A-1]

MILK IN THE MISSISSIPPI DELTA, CENTRAL MISSISSIPPI AND MIS-SISSIPPI GULF COAST MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements; and orders regulating the handling of milk in the Mississippi Delta, Central Mississippi and Mississippi Gulf Coast marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 15th day after publication of this decision in the Fer-ERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, were formulated, was conducted at Jackson, Mississippi, December 15-17, 1959, pursuant to notice thereof which was issued December 1, 1959 (24 F.R. 9742).

The material issues on the record of the hearing relate to:

- 1. The level and seasonality of Class I prices in the Central Mississippi marketing area:
- 2. Reduction of the Mississippi Delta marketing area;3. Revision of the definitions of pro-
- 3. Revision of the definitions of producer and producer milk in all three Mississippi orders and the definitions of distributing plant, handler and producer-handler in the Central Mississippi order;
- 4. Clarification of the transfer provisions in all three Mississippi orders;
- 5. Method of accounting for milk solids used for reconstitution of fluid milk products in the Central Mississippi and Gulf Coast orders;
- 6. Revision of the allocation and computation of the value of skim milk and butterfat provisions in all three Mississippi orders;
- 7. Determination of the Class I price for the Mississippi Delta order;
- 8. The level of the Class II price in all three Mississippi orders:
- 9. Obligation of a handler operating a nonpool distributing plant in the Mississippi Delta order;
- 10. Determination of bases and revision of base rules in all three Mississippi orders; and
- 11. Miscellaneous and conforming changes in all three Mississippi orders.

Issue No. 1 was decided by the Assistant Secretary in his decision of February 24, 1960 (25 F.R. 1733) and amending order (25 F.R. 1817). This decision pertains to the remaining issues.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

2. The Mississippi Delta marketing area should be revised to exclude Beat 5 in Calhoun County and Beat 5 in Webster County, both in the State of Mississippi.

A handler, partially regulated by Order No. 5, proposed the deletion of all of Webster County and Beats 1, 4 and 5 in Calhoun County from the marketing area. This handler modified his proposal to delete all of Webster County from the marketing area by proposing to eliminate only Beat 5.

In Beat 5 of Webster County the proponent handler has 90 percent or more of the fluid milk business. The remaining business in this Beat is by unregulated handlers. Regulated handlers' sales in Beats 1 and 4 of Calhoun County represent seventy-five percent or more of the total. In Beat 5 of Calhoun County the proponent handler has approximately two-thirds of the total fluid milk business. The remaining portion of the fluid milk products distributed in this Beat is by a fully regulated handler and by a

<sup>&</sup>lt;sup>1</sup>No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from this service unless derived through service rendered a corporation for its general benefit.

¹No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from this service unless derived through service rendered a corporation for its general benefit.

lages with a total population of approximately 1,200. Most of the proponent handler's competition, outside the marketing area, is with unregulated handlers.

Proponents' sales in the marketing area have varied from 8 to 15% of his total Class I sales. The exclusion of Beats 5 in Calhoun and Webster Counties will not necessarily change the proponent handler's status as a partially regulated handler, but will reduce his sales in the marketing area, leaving sales mainly in Beats 1 and 4 in Calhoun County, to less than five percent of his total Class I sales. However, with only a small percentage of this handler's business in the marketing area, it presents the opportunity for complete withdrawal of sales from the area and thereby a change in status as a partially regulated handler.

Since fully regulated handlers have only a very small proportion of the fluid milk business in Beats 5 of Calhoun and Webster counties, and the record does not show handlers would be disadvantaged, it is concluded that these Beats should be excluded from the marketing area. However, Beats 1 and 4 in Calhoun County, where regulated handlers distribute most of the fluid milk products, should remain a part of the Mississippi Delta marketing area.

3. The definitions of producer and producer milk should be revised in all three Mississippi orders with respect to the

diversion of producer milk.

The Mississippi Delta and Gulf Coast orders currently limit the diversion of producers to 10 days' milk production during each of the months of September through January. The Central Mississippi order limits diversion to 10 days' milk production during each of the months of September through November. During the months of February through August (December through August for

Central Mississippi) handlers may divert the milk production of a producer to a nonpool plant without limitation.

The Central Mississippi Milk Producers' Association proposed to amend all three Mississippi orders to provide further limitation with respect to the diversion of milk. Their proposal would limit the diversion of producer milk in the spring months to those producers that had shipped not less than 15 days' production to a pool plant during speci-fied fall months. The milk production of producers that delivered during any months in the fall less than 15 days' production could not be diverted in the following spring months if milk from any such producer was diverted to a nonpool plant.

During the past year dairy farmers normally associated with other markets have shipped substantial quantities of milk to pool plants in the Mississippi Delta and Gulf Coast marketing area on a part-time basis. Primarily, this has involved cooperative associations in the Memphis and New Orleans markets which have shifted substantial volumes of milk back and forth between markets by taking full advantage of the existing diversion provisions in the Delta and Gulf Coast orders. Much of the milk

partially regulated handler. Beat 5 in involved has acquired producer milk Calhoun County contains two small vil- status on the basis of limited delivery (in some cases a single day) to a pool plant and is not part of the regular supply of the Delta or Gulf Coast markets.

> The result has been an undue variation of the base prices and the blended prices in these markets in certain months in comparison to prices in the Memphis and New Orleans markets. In the case of the Delta market this activity has occurred primarily in the month of August whereas in the Gulf Coast market it has been the months of March through July. Official notice is taken of the price announcements of the respective market administrators in the four markets for each of the months of 1960. They substantiate the fact that the situation, particularly as it applies to the Gulf Coast market, is even more critical than in the corresponding months of 1959.

> While it is not intended that the orders shall deter orderly movement of producers and/or plants as between markets in response to price incentives; nevertheless, more limited diversion provisions are necessary with respect to the Delta and Gulf Coast orders to assure bona fide association of milk with specific markets and to prevent undue variation of the prices in these markets. For the months of August through February this may be accomplished by providing that during any such month milk of a producer may be diverted to nonpool plants in an amount not in excess of one-third of the total quantity of milk physically received at a pool plant during the month. Should greater diversion occur, only that milk physically received at pool plants would be considered as producer milk.

Essentially, this procedure makes no change in the present diversion provisions as they apply in the months of September through January for producers who are on these markets throughout the month. In the case of dairy farmers not on the market during the entire month, however, the extent of diversion is related to physical deliveries to pool plants. The extension of this procedure to include the months of February and August is necessary in the interest of more orderly marketing. These are the two months of the year which are neither base setting nor base operating months and accordingly are the two months in which a handler could make the greatest use of diversion privileges for his own interest.

No change is needed at this time in the present provisions of the Mississippi Delta order which permit unlimited diversion of producer milk during the base-operating months of March through July. The Delta market is stable during this period of the year. Furthermore, no unusual movement of milk in and out of the market was reported to occur during March through July.

During the months of March through July it is desirable with respect to the Gulf Coast order that the diversion privileges be more liberal than in other months of the year to insure ordinary disposition of the seasonal surplus in

that marketing area. However, under the existing supply situation in this market, there is no necessity for unlimited diversion privileges. It is concluded that in any of such months diversion of producer milk in total from each plant should be limited to an amount not in excess of two-thirds of such producer milk physically received at such pool plant during the month and should be limited in each month to only the milk of those dairy farmers who held producer status throughout the two immediately preceding months. The application of this provision will in no way deter the entrance of new producers to the market if their milk is needed for fluid use. It will, however, tend to deter the shifting of producers between markets during this period solely for the purpose of influencing prices in the originating and/or transferee markets since diversion privileges would not be available in March for milk not associated with the market in January and February.

The establishment of these new standards with respect to diversion of producer milk in the Mississippi Delta and Gulf Coast markets will assist in stabilizing marketing conditions in these areas. The amendments presented herein with respect to the modification of the definitions of producer and producer milk will adequately prescribe standards of association with these markets for the sharing in the marketwide pooling in these markets.

The number of producers, the seasonal production patterns, and the relationship of production to gross Class I sales during the past three years reflect relatively stable marketing conditions in the Central Mississippi market. Therefore, conditions in the Central Mississippi order do not require, at this time, a change in the present limitation on diversions of 10 days' production during the months of September through November. However, the proposal to amend the Central Mississippi order to provide for the diversion of milk between pool plants should be adopted. The present order limits diversion in the Central Mississippi order to nonpool plants that are not regulated by another order issued pursuant to the Act. Permitting diversion of producer milk by the operator of a pool plant to the pool plant of another handler gives handlers flexibility in movement of milk without affecting the pooling of milk.' Further, such diversion will provide for the economic movement of milk within the marketing area. The proposal to remove the restriction on a handler to divert the milk production of a producer to a plant regulated by another order should not be adopted. The orders regulating the plants to which such movement of milk would likely occur provide that receipt of milk directly from the farm is producer milk under such order. The adoption of the proposal would thus create a situation in which each of two orders would claim such milk as producer milk. Therefore, under present marketing conditions in the Central Mississippi order the provision restricting a handler diverting milk to a nonpool plant regulated by another order should be retained.

Proposals were made by Central Mississippi order handlers to eliminate the pricing and pooling of a handler's own farm production in its entirety or to provide for the pricing and pooling of only the excess portion of a handler's own farm production. The Central Mississippi order presently defines a producerhandler as any person who operates a dairy farm and a distributing plant at which no other source milk (except own production), producer milk, or milk from other pool plants is received. Thus, such a handler's own production is exempt from the pricing and pooling provisions of the order. The Class I sales of a producer-handler are now limited to the amount of his own production. Such a handler must also carry any excess supplies that may be produced. If a person with his own farm production buys milk from another producer, other pool plants, or from other sources and distributes milk in the marketing area, such a person becomes a fully regulated handler. As a fully regulated handler the milk from his own farm is priced and pooled the same as any other producer in the market-wide pool distribution of returns to producers. Essentially, this means that the handler may draw from the producer-settlement fund on his own production when the Class I utilization at his plant is less than the market average. Likewise, payments on his own production are due to the producersettlement fund when the Class I utilization in his plant is greater than the market average. To pool only the excess production from a handler's own farm would mean that the market as a who'e would be carrying the surplus from his herd. To make equitable distribution to all producers of the Class I utilization in this market the milk production from all producers should be priced and pooled as presently provided by the Central Mississippi order. Therefore, the proposals to limit the pricing and pooling of a handler's own farm production are not adopted.

The proposal of a handler to reduce the requirements that a distributing plant must meet to maintain pool status should not be adopted. The proposal would eliminate excess milk during the months of March through July in the determination which a plant must meet to qualify as a distributing plant that 50 percent of receipts from producers and other pool plants be utilized in Class I. This requirement of a minimum proportion of utilization in Class I is to distinguish a distributing plant from a supply plant. The order presently provides that cooperative associations may become handlers with respect to milk of producers diverted for their account from a pool plant to a nonpool plant. The proponent of this proposal acknowledged that the cooperative association has, in the past, been able to divert milk for the account of the association and thus eliminate the possibility of this handler's plant failing to qualify as a distributing plant. To accept this proposal would destroy the necessary distinction between supply plants and distributing plants.

4. The transfer provisions in all three Mississippi orders should be modified.

The revision of the transfer provisions in Order Nos. 5, 87, and 114 is for the purpose of clarifying the intent of present provisions and to recognize the movement of milk to nonpool plants and then back to pool plants. The revisions of the transfer provisions provided herein will coordinate these provisions with the transfer provision of Order No. 42 for the New Orleans marketing area. There are extensive intermarket movements of milk among the three Mississippi markets and among the Central Mississippi, Mississippi Gulf Coast and New Orleans markets. Therefore, it is necessary that the transfer provisions in these four marketing areas be correlated. The revised provisions, with one exception, do not change the intent of the present transfer provisions. The exception is that portion of the revised provisions which classifies, under specific conditions, milk moved from a pool plant to a nonpool plant and then back to a pool plant as if such transfer had been a transfer between pool plants. While such a movement of milk in the three Mississippi markets has not occurred, the possibility of such movement exists. The inclusion of a section in the transfer provisions of these orders to cover such movements of milk will further correlate the orders in this area.

5. No change should be made in the method of accounting of milk solids used for reconstitution and fortification of fluid milk products in the Central Mississippi and Gulf Coast orders.

Handlers proposed that if nonfat dry milk solids are added for the sole purpose of fortifying or adding solids in fluid milk products only the actual pounds used of such nonfat dry milk should be classified as Class I.

These orders presently provide that if any of the water contained in milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat dry milk contained in such product plus all of the water originally associated with such nonfat dry milk solids.

The proposals to amend the Central Mississippi and Gulf Coast orders with respect to the accounting of nonfat dry milk solids are not adopted herein because such proposals would not result in a full accounting in Class I of the value of the nonfat solids used to produce fluid milk products. It is necessary in accounting for Class I sales of fortified and reconstituted milk that the order provisions prevent displacement of producer milk from the Class I use for which it is intended. This principle requires that such disposition be accounted for on the basis of milk used to produce such products, which would include all water originally associated with the nonfat milk solids used. Fortified and reconstituted milk compete for the same outlets as whole fluid milk and fluid skim milk and so, if made from other source milk, could displace producer milk which is available for the same disposition. It is

concluded that accounting for skim milk in fluid milk products on the basis of volume, including all the water originally associated with the nonfat milk solids, is necessary to return to producers a value commensurate with the use and availability of their milk for fluid disposition.

 The allocation, rates of payment on other source milk and computation of the value of skim milk and butterfat provisions in all three orders should be revised.

The modification of these provisions is for the purpose of clarifying the intent of the present provisions. Skim milk and butterfat classified and priced under another order issued pursuant to the Act should not be subject to payments otherwise applied to other source milk allocated to Class I under these Mississippi These provisions as revised orders. herein provide for the allocation of other source milk in three separate steps. The first allocation of other source milk is that received other than in the form of fluid milk products. Of the remaining other source milk the first allocation is that received in the form of fluid milk products from plants not regulated by another order and final allocation is the other source milk received from plants subject to the pricing and payment provisions of another order. The clarification of the provisions on payments on other source milk and computation of the value of producer milk give further specificity to the steps necessary in the computation of payments on other source milk allocated to Class I.

7. The method of determining the Class I price for the Mississippi Delta marketing area should not be changed.

A handler proposed that the Class I price for the Delta area should be established pursuant to § 918.51(a) of this chapter, regulating the handling of milk in the Memphis, Tennessee, marketing area, plus sixteen cents.

The Class I price is presently determined by subtracting sixteen cents from the Class I price established pursuant to § 987.51(a) of this chapter regulating the handling of milk in the Central Mississippi marketing area.

The proponent handler stated the purpose of the proposal to base Class I pricing for the Mississippi Delta area under the Memphis market was to align the Class I prices in the two marketing areas. The alignment of prices between the Memphis and Mississippi Delta marketing area is now assured by recent amendments to both the Memphis order (25 F.R. 2221) and the Central Mississippi order (25 F.R. 1732). The amendments to these two orders eliminated the seasonal changes in the differential added to the basic formula price in establishing the Class I price. The supplydemand adjustment provision in the Memphis order has also been modified.

In a decision issued September 3, 1958 (23 F.R. 6910), it was concluded the Mississippi Delta marketing area was the most closely associated with the Central Mississippi marketing area. The evidence in this record does not substantiate a change in the conclusion reached in this earlier decision.

8. No change should be made in the level or method of determining the Class II price in any of the three orders.

The cooperative association proposing a review of the Class II price level and the method of determining such prices in these marketing areas complained that the basic prices announced by local manufacturing plants do not represent the actual prices paid dairy farmers delivering milk to such plants. Some of the local manufacturing plants pay premiums for quality and volume of shipments. However, the evidence is insufficient to conclude the actual amounts of such premiums or a feasible administrative method of obtaining a price from manufacturing plants more representative than the basic price presently used. The present level of Class II prices provides for the orderly movement of excess supplies under the existing marketing conditions in the Central Mississippi market.

9. The rate of obligation of a handler operating a nonpool distributing plant in the Mississippi Delta area should not

be changed.

A handler proposed that the rate of payment in § 905.62(a) be revised by changing the present rate of the difference between the Class I and II prices to a rate represented by the difference between the Class I price and the uniform price paid dairy farmers as announced and computed in accordance with the Mississippi Milk Audit Law.

The handler making this proposal is an operator of a nonpool distributing plant. The Delta order presently provides this handler the option of paying into the producer-settlement fund the difference between the value of the milk received from dairy farmers at such plant calculated as if such plant were a pool plant and the gross payments actually made by the handler to such dairy farmers. If these dairy farmers receive payment for their milk in an amount equal to or in excess of a value calculated as if the nonpool distributing plant were a pool plant, no payment is due the producer-settlement fund. It has been found (see decision of September 3, 1958 (23 F.R. 6910)) that the opportunity value, based on use in alternative outlets, of other source milk utilized in Class I is equivalent to the Class II price. Proponent's blend price verified under the Mississippi Audit Law will always be at a higher level than the Class II price. Consequently, the proposal would not afford protection of the regulation which has been found to be necessary and it must be denied.

10. The method of determining the daily base and the rules with respect to the transfer of bases should be modified in all three orders.

The Central Mississippi Milk Producers' Association proposed to revise the provisions of all three Mississippi orders to give greater specificity to the method of determining a daily base. Deliveries from farms to pool plants are now being made on an every-other-day basis. Therefore, the number of days' production received from each producer at a pool plant during the base forming period becomes important. As provided herein

the revised provisions in all three orders uation requires additional supplies. The for determining the daily base specify that the total receipts from a producer shall be divided by the total number of days' production from the first days' production received during the base forming period to last days' production received in this period but not less than 120 days. The base transfer provisions in these orders are also modified to provide the use of the number of days' production of the transferor and transferee in the determination of a new base.

Central Mississippi Milk Producers' Association also proposed to amend all three orders with respect to the assignment of a base to a producer shipping to a plant that failed to qualify as a pool plant during each month of the base forming period but becomes a pool plant during the base operating period. It was proposed that bases should not be assigned to such producers in the Central Mississippi and Mississippi Delta orders unless the total receipts of producer milk were less than 110 percent of the total Class I sales in each of these markets. The same proposal was made for the Mississippi Gulf Coast area except that the percentage utilization of producer receipts to Class I sales was 112 percent.

The orders presently provide that a base shall be assigned to each person for whose account milk was delivered to a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any month of the base operating period, on deliveries at such plant in the same manner as if such plant had been a pool plant during each month of the

base forming period.

The proponent's primary reason for making these proposals is to stabilize the movement of milk between the Mississippi Gulf Coast and New Orleans marketing areas. During 1959, several supply plants that had been pool plants under the New Orleans order at various times qualified as pool plants under the Mississippi Gulf Coast order. Some of these plants normally associated with the New Orleans market qualified as pool plants under the Gulf Coast order for the first time during the March through July period when production from local producers in this market is the highest. The maximum number of plants normally associated with the New Orleans market and qualified under the Gulf Coast order has been two in any one month. The qualification of these supply plants and the movement of milk between the New Orleans and Gulf Coast markets results primarily from handlers' opportunity in both markets to increase business by contract bidding to supply a military establishment located in the Mississippi Gulf Coast area. Another incentive for the movement of plants and milk between these two orders is that dairy farmers, through their cooperative associations, are constantly seeking the marketwide pool with the highest Class I utilization.

The limitations on diversion of producer milk, as previously discussed in these findings, will provide an opportunity for milk to enter the Mississippi Gulf Coast market when the demand sit-

diversion limitations, however, as herein provided will require a closer association of producers with the Mississippi Gulf Coast market and, therefore, will tend to stabilize market conditions in this area. Therefore, it is concluded that the proposals to amend all three Mississippi orders with respect to the assignment of bases to a producer shipping to a plant that failed to qualify as a pool plant during each month of the base forming period but becomes a pool plant during the base operating period

should not be adopted.

The base rules in the Mississippi Gulf Coast order should be further revised to reflect the transfer of producers between the two markets. A producer who is assigned a base under another order and then transfers to the Mississippi Gulf Coast order during the base forming period should have the same base under the Gulf Coast order as assigned for such producer under the other order. It should be further provided in the Gulf Coast order that a base should be assigned to a person for whose account milk is received at a pool plant for less than 120 days during the base forming period and for whose account milk is also received at a plant fully regulated by another order during the base forming period under such other order. Under these circumstances, the base would be determined by combining into one total the receipts of such a producer at pool plants under this order and at fully regulated plants under another order. The revision of the base rules as herein provided will assist in a reasonable movement of producers between marketing areas.

The Central Mississippi Milk Producers' Association further proposed to limit the transfer of a base in all three orders due to circumstances where a base-holder sells, leases, or otherwise conveys his herd to another person. The orders presently provide that a base may be transferred to another person by notifying the market administrator and providing a signed statement of transfer by the base-holder and by the person to whom such base is to be transferred.

The proponents failed to show a need to place further limitations on the transfer of a base by a producer in the Central Mississippi and Delta orders. In the Mississippi Gulf Coast order the limitations on diversion of producer milk each month of the year, as previously discussed in these findings, will deter movements of milk complained of by proponents and thus the proposed restrictions on transfer of bases are unproposed necessary. Therefore, the limitations on the transfer of bases in all three Mississippi orders should not be adopted.

11. Several miscellaneous and conforming changes should be made in all

three Mississippi orders.

Provision should be made for payment of interest on overdue obligations in all three Mississippi orders. The requirement that interest be paid on overdue obligations will encourage prompt payments, thereby making for efficient transactions under the orders. Dates on which accounts are due under the or-

ders allow adequate time for payment of the principal, without an interest charge. It is concluded that one-half of one percent of any unpaid obligation, to or from the market administrator is an appropriate and economically sound payment for each month or fraction thereof that the obligation is overdue. Under the provisions, any unpaid portion of an obligation would be increased one-half of one percent the third day after it is due. Starting interest charges on the third day after the obligation is due will give reasonable time to receive actual payment of obligations postmarked not later than the due date of such obligation. On the same day of each following month, any unpaid portion of the principal and of the interest would be increased one-half of one percent until the obligation with interest is paid.

The Mississippi Delta order now requires reports of receipts and utilization on or before the 5th day, exclusive of Sundays and holidays, of each month from handlers operating pool plants. The Mississippi Gulf Coast order requires such reports by the 6th of each month, exclusive of Sundays and holidays. The Central Mississippi order requires handlers to report by the 6th day of each month. It was proposed that reports from handlers be made on or before the 6th day of each month in the Mississippi Delta and Gulf Coast orders. The market administrator is required to compute and announce by the tenth of each month the uniform prices for both the Mississippi Delta and Gulf Coast orders. Under the present reporting requirements there have been times when handler reports were received by mail, when it was extremely difficult to complete the necessary computations to meet the deadline of announcing uniform prices by the tenth of the month. It is concluded that the report of receipts and utilization from handlers in the Mississippi Delta and Gulf Coast orders should be postmarked or delivered to the office of the market administrator on or before the 6th day of each month.

The Mississippi Delta order is not now specifically clear with respect to the date when the operator of a nonpool distributing plant should submit, to the market administrator, a report of payments to his dairy farmers. Such reports are now being submitted on the 20th of each month. The Mississippi Gulf Coast order lacks clarity with respect to the date when the operator of a nonpool dis-tributing plant should make payments to the producer-settlement fund. Operators of such plants currently make payments on the 25th of each month. The Mississippi Delta and Gulf Coast orders, as herein provided, have been modified accordingly.

The proposal that the number of fresh samples to be employed to determine the butterfat content of milk deliveries of a producer should be not less than 24 for a full month's delivery or a sampling of at least 80 percent of the milk delivered should not be adopted.

The Mississippi Delta order presently provides the market administrator with the responsibility and authority to verify

the butterfat content of milk received from producers. Evidence was presented that the market administrator uses reasonable and practical methods of verifying such tests. Under existing market conditions, it is not feasible to follow the procedure outlined by the proponent handler. The additional cost of such a program is not warranted.

Several proposals were made by handlers and a cooperative association to revise the classification of skim milk and butterfat under the Mississippi Delta order. These proposals would classify butterfat disposed of as livestock feed, "dumped" butterfat, eggnog, and readyto-serve malt products as Class II. Handlers in the Mississippi Delta marketing area serve small cities and villages and find it impractical, in many cases, because of the small quantities involved, to separate the butterfat from route returns. Thus, both the skim milk and butterfat is usually disposed of for livestock feed. Therefore, under the circumstances in this market, butterfat disposed of as livestock feed should be classified as Class II. Circumstances do arise necessitating the "dumping" of skim milk. The order presently provides classification as Class II when such "dumping" of skim milk is authorized by the market administrator. The evidence, however, does not justify the classification of butterfat as Class II under similar circumstances. Therefore, the proposal to classify "dumped" butterfat as Class II is denied. Eggnog and ready-to-serve malt products are required to be made from Grade A dairy products. Therefore, the classification of these items should remain in Class I and the proposals to change the classification to Class II are hereby denied.

A cooperative association proposed to add to the inventories of fluid milk products at the end of the month the milk production of a producer produced on the last day of the month but received at a pool plant the first day of the following month. Inasmuch as the Class I price is no longer on a seasonal basis, there is no practical reason to attempt the proposed accounting procedure. The classification of and payment to producers for milk actually received at pool plants during the month as now provided in the order is the most practical way of accounting and paying for producer milk.

Other revisions in all three of the Mississippi orders have been made to eliminate obsolete language or clarifying and conforming changes to implement the intent of the revisions to the orders as specified herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the markets. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the

reasons previously stated in this deci-

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto with respect to the Central Mississippi order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the

Act:

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as. and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders regulating the handling of milk in the Mississippi Delta, Central Mississippi and Mississippi Gulf Coast marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Mississippi Delta order:

1. Delete § 905.6 and substitute the following:

#### § 905.6 Mississippi Delta marketing area.

Mississippi Delta marketing area, hereinafter called the marketing area, means all the territory, including incorporated municipalities and military reservations within Attala, Bolivar, Carroll, Choctaw, Grenada, Holmes, Humphreys, Leake, Leflore, Lowndes, Montgomery, Noxubee, Oktibbeha, Sharkey, Sunflower, Tallahatchie, Washington, Webster (except Beat 5), Winston, and Yazoo Counties; Beats 1 and 4 in Calhoun County; Beats 4 and 5 in Coahoma County; Beats 2, 3, 4, and 5 in Quitman County including all of the village of Crowder; and Beats 1, 4, and 5 in Yalobusha County all within the State of Mississippi.

- 2. Amend § 905.12(c) by changing the reference to § 905.14 to § 905.15.
- 3. Delete § 905.14 and substitute the following:

### § 905.14 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted pursuant to § 905.15.

4. Delete § 905.15 and substitute the following:

#### § 905.15 Producer milk.

"Producer milk" means all skim milk and butterfat received at a pool plant directly from producers or which is diverted by the operator of a pool plant or by a cooperative association as provided pursuant to § 905.12(c) for the account of such handler, subject to the following conditions:

(a) The operator of a pool plant may divert the milk production of a producer to the pool plant of another handler for any number of days of the months;

- (b) During March through July the operator of a pool plant or a cooperative association may divert the milk production of a producer from a pool plant to a nonpool plant for any number of days of the month;
- (c) During the months of August through February the operator of a pool plant or a cooperative association may divert milk from a pool plant to a non-pool plant in an amount not in excess of one-third of the total quantity of milk physically received at a pool plant during the month; and
- (d) Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.
- (e) In case milk diverted is in excess of the amount specified in paragraph (c) of this section, only that milk physically received at a pool plant will be producer milk.
- 5. Amend  $\S 905.22(i)(1)$  to read as follows:
- (1) On or before the 6th day of each month, the minimum price for Class I milk pursuant to § 905.50(a), and the Class I butterfat differential computed pursuant to § 905.51(a), both for the current month, and the minimum price for Class II milk computed pursuant to § 905.50(b) and the Class II butterfat differential computed pursuant to § 905.51(b) both for the previous month.
- 6. Amend the first paragraph of § 905.30 to reads as follows:

### § 905.30 Reports of receipts and utilization.

On or before the 6th day of each month each handler who operates a pool

plant(s), each handler, other than a producer-handler, who operates a nonpool distributing plant, and any cooperative association with respect to milk for which it is a handler shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

- 7. Amend § 905.31(c) to read as follows:
- (c) On or before the 20th day after the end of the month each handler operating a nonpool distributing plant and making payments pursuant to § 905.62(b) shall report his payments to dairy-farmers qualified to be producers if such plant were a pool plant, showing for each such dairy farmer;
- 8. Amend § 905.41(b) to read as follows:

(b) Class II shall be:

- (1) All skim milk and butterfat used to produce any product other than a fluid milk product;
- (2) All skim milk authorized by the market administrator to be dumped;
- (3) The shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat directly from producer, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in the form of bulk fluid milk products from pool plants of other handlers, less 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in the form of bulk fluid milk products to pool plants of other handlers;
- (4) The shrinkage of other source milk;
- (5) All the skim milk and butterfat accounted for as disposed of for live-stock feed; and
- (6) The inventories of fluid milk products on hand at the end of the month.
- 9. Delete § 905.42 and substitute the following:

### § 905.42 Assignment of shrinkage.

The market administrator shall assign shrinkage at the pool plant(s) of each handler as follows:

- (a) Compute the total shrinkage of skim milk and butterfat; and
- (b) Assign the resulting amount, prorated to the handler's receipts of skim milk and butterfat, respectively, in (1) milk received directly from producers and from other pool plants less transfers in bulk to other pool plants, and (2) other source milk.
- 10. Delete § 905.44 and substitute the following:

### § 905.44 Transfers.

Skim milk and butterfat transferred or diverted during the month as a fluid milk product from a pool plant to:

- (a) The pool plant of another handler shall be classified as Class I, unless:
- (1) Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 905.30;
- (2) The receiving plant has utizilation in Class II of equivalent amounts of skim milk and butterfat, respectively, and

- (3) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants;
- (b) A plant operated by a producerhandler shall be Class I milk;
- (c) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified, if transferred in bulk, pursuant to the classification and allocation procedure of the other Federal order: *Provided*, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a prorata share of such receipts allocated to that class.
- (d) A nonpool plant, except as specified in paragraphs (b) and (c) of this section, shall be Class I milk unless:
- (1) The transferring handler claims Class II use on his report for the month;
- (2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use: and
- (3) The skim milk and butterfat, respectively, received in the form of fluid milk products at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:
- (i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 905.41(b)(1)) at such nonpool plant during the month;
- (ii) Subtract the overage or add the actual shrinkage of skim milk and butterfat, respectively, in the total fluid receipts physically received at such nonpool plant but not to exceed 2 percent of such total receipts during the month;
- (iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;
- (iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant, but excluding any such transfers that may be classified under this or such other order pursuant to provisions similar to subparagraph (4) of this paragraph: Provided, That if skim milk and butterfat are received from unregulated sources at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purpose of this subparagraph;

(v) Add the skim milk and butter-fat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 905.41 (b) (1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: Provided, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the event that the remaining skim milk and butterfat, respectively, is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as 'Class I milk.

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: Provided, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classi-

11. Delete § 905.46 and substitute the following:

### § 905.46 Allocation of skim milk classified

The pounds of skim milk remaining after making the following computations shall be the pounds in each class allocated to producer milk:

- (a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage pursuant to § 905.41 (b) (3):
- (b) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;
- (c) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk re-

ceived in the form of fluid milk products, except as specified in paragraph (d) of this section;

- (d) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the pricing and payment provisions of another order issued pursuant to the Act;
- (e) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;
- (f) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other handlers in such class pursuant to §§ 905.41 and 905.44(a);
- (g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and
- (h) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.
- 12. Delete § 905.53 and substitute the following:

### § 905.53 Rates of payment on other source milk.

The following rates of payment on other source milk to be applied pursuant to § 905.70 (c) (e) and (f) shall be effective only in the months when the total receipts of producer milk are 110 percent or more of the total amount from all sources classified as Class I (excluding duplications) at all pool plants:

(a) On other source milk received other than in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

- (b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference by the location differential applicable at a pool plant of the same location as the nearest nonpool plant(s) supplying such other source milk.
- 13. Amend § 905.62(b)(2) to read as follows:
- (2) On or before the 13th day after the end of the month, as his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 905.93 had such plant been a pool plant.
- 14. Delete § 905.70 and substitute the following:

### § 905.70 Computation of value of producer milk.

The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

(a) Multiply the producer milk in each class, as computed pursuant to § 905.48, by the applicable class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 905.43(h) and the corresponding step of § 905.47 by

the applicable class price.

(c) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 905.46 (b) and the corresponding step of § 905.47 by the rate as determined pursuant to § 905.53(a);

(d) Add the amount obtained by multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 905.46(e) and the corresponding step of § 905.47; or

(2) The hundredweight of producer milk classified as Class II (except shrinkage) during the preceding month:

- (e) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 905.46(c) and the corresponding step of § 905.57 by the rate pursuant to § 905.53(b) for the nearest plant(s) from which an equal amount of other source milk was received in the form of fluid milk products; and
- (f) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to \$905.46(e) and the corresponding step of \$905.47 by the rate pursuant to \$905.53 (a) or (b), as the case may be, which:
  - (1) Is in excess of the sum of:
- (i) The quantity for which payment is computed pursuant to paragraph (d) of this section; and
- (ii) The quantity subtracted from Class II pursuant to \$ 905.46(d) and the corresponding step of \$ 905.47; and
- (2) Is also not in excess of the quantity subtracted from Class II pursuant to \$905.46 (b) and (c) in the preceding month
- 15. Delete § 905.89 and substitute the following:

### § 905.80 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received at all pool plants from such producer during the months of September through January by the larger of:

- (a) 120 days, or
- (b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipts on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).
- 16. Amend § 905.82(b)(1) to read as follows:
- (1) If one or more bases are transferred to a producer already holding a

base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the larger of:

(i) 120 days, or

- (ii) The number of days beginning with the first day on which milk is received for either the transferee or transferor during the base forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was pro-
- 17. Delete § 905.92 and substitute the following:

### § 905.92 Marketing services.

- (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 905.90, shall deduct 7 cents per hundredweight, or such amount not exceeding 7 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information; and
- (b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section. each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such producer.
- 18. Redesignate § 905.97 as § 905.98 and add a new § 905.97 as follows:

### § 905.98 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to  $\S$  905.62, 905.91(a), 905.92(a), 905.93, 905.95, or 905.96 shall be increased onehalf of one percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the date such obligation is due shall be considered to have been received when due.

### CENTRAL MISSISSIPPI ORDER

1. Amend § 987.12(a) by changing the reference to § 987.13 to § 987.14.

following:

#### § 987.13 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted pursuant to § 987.14.

3. Delete § 987.14 and substitute the following:

#### § 987.14 Producer milk-

"Producer milk" means all skim milk and butterfat received at a pool plant directly from producers or which is diverted by a handler for the account of such handler, subject to the following conditions:

(a) The operator of a pool plant may divert the milk production of a producer to the pool plant of another handler for any number of days of the month;

- (b) During December through August such a handler or a cooperative association may divert the milk production of a producer to a nonpool plant (except a nonpool plant which is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) for any number of days of the month:
- (c) During the months of September through November milk production of a producer may be diverted by a handler, from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act) as producer milk for a maximum of 10 days' production. Milk diverted in excess of 10 days' production of such a producer shall not be producer milk; and
- (d) Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.
- 4. Delete § 987.44 and substitute the following:

#### § 987.44 Transfers.

Skim milk and butterfat transferred or diverted during the month as a fluid milk product from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I, unless;

- (1) Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 987.30;
- (2) The receiving plant has utilization in Class II of equivalent amounts of skim milk and butterfat, respectively; and
- (3) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants.
- (b) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified, if transferred in bulk pursuant to the classification and allocation/procedure of the other Fed-

2. Delete § 987.13 and substitute the eral order: Provided, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by an order(s) other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class.

- (c) A nonpool plant, except as specified in paragraph (b) of this section, shall be Class I milk unless:
- (1) The transferring handler claims Class II use on his report for the month;
- (2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and
- (3) The skim milk and butterfat, respectively, received in the form of fluid milk products at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:
- (i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 987.41(b)(1)) at such nonpool plant during the month;
- (ii) Subtract the overage or add the actual shrinkage not to exceed 2 percent of total receipts of skim milk and butterfat, respectively, in the total fluid receipts physically received at such nonpool plant during the month:
- (iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;
- (iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable order provisions at the transferee plant, but excluding any such transfers that may be classified under this or such other order pursuant to provisions similar to subparagraph (4) of this paragraph: Provided, That if skim milk and butterfat are received from unregulated sources at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purpose of this subsection;
- (v) Add the skim milk and butterfat. respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 987.41 (b)(1)) processed in such second non-pool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: Provided. That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

- (vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the. event that the remaining skim milk and butterfat, respectively, is less than the skim milk and butterfat, respectively, received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim milk and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk; and
- (4) If such nonpool plant transfers skim milk or butterfat as milk, skim, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: Provided. That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.
- 5. Delete § 987.46 and substitute the following:

## § 987.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computation shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 987.42 (b) (1):

(b) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except that to be subtracted pursuant to paragraph (d) of this section:

(d) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from plants subject to the pricing and payment provisions of another order issued pursuant to the Act:

(e) Subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

- (f) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers in such class pursuant to §§ 987.41 and 987.44(a).
- (g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and
- (h) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

### § 987.47 Allocation of butterfat classified.

Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 987.46.

# § 987.48 Computation of total producer milk in each class.

Combine into one total the amounts computed pursuant to §§ 987.46 and 987.47 for each class and determine the weighted average butterfat content of producer milk.

- 6. Amend § 987.50(c) to read as follows:
- (c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

McClendon Cheese Co., Newton, Miss. Borden Co., Starksville, Miss. Carnation Co., Tupelo, Miss. Pet Milk Co., Kosciusko, Miss.

7. Amend § 987.53 starting with, "Provided, That", to read as follows: "Provided, That, for the purposes of calculating such location differential, products so designated as Class I milk which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculation prescribed in § 987.46(d) and the corresponding steps of § 987.47 for such plant, and after deducting from such remainder an amount equal to 0.05 times the skim milk and butterfat contained in the producer milk received at the transferee-plant, such assignment to transferor-plants to be made first to plants at which the greatest location differential is applicable."

## § 937.54 Rates of payment on other source milk.

The following rates of payment on other source milk to be applied pursuant to § 987.70 (d) and (e) shall be effective only in the months when the total receipts of producer milk are more than 110 percent of the total amount from all sources classified as Class I (excluding duplications) at all pool plants:

(a) On other source milk received other than in the form of fluid milk

products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

- (b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference at the same rate of location differential as set forth in § 987.53 for the location of the nearest nonpool plant(s) supplying such other source milk.
- 8. Delete § 987.70 and substitute the following:

### § 987.70 Computation of value of producer milk.

The value of producer milk received during the month by each handler at his pool plant(s) shall be computed by the market administrator as follows:

- (a) Multiply the pounds of such milk in each class by the applicable class price;
- (b) Add together the resulting amounts;
- (c) Add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price;
- (d) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I, pursuant to § 987.46(b) and the corresponding step of § 987.47, by the rate of payment determined pursuant to § 987.54(a).
- (e) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I, pursuant to § 987.46(c) and the corresponding step of § 987.47, by the rate of payment determined pursuant to § 987.54(b).
- 9. Amend § 987.71(a) to read as follows:
- (a) Combine into one total the values computed pursuant to § 987.70 for the producer milk of all handlers who submit reports prescribed in § 987.30 and who have made payments for the previous month pursuant to § 987.97.
- 10. Amend § 987.72(a) to read as follows:  $\sim$
- (a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 987.30, and who have made payments for the previous month pursuant to § 987.97, as follows: (1) Multiply the hundredweight of such milk not in excess of the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price; (2) multiply any additional hundredweight of such milk by the Class I milk price; and (3) add together the resulting amounts.
- 11. Delete § 987.80 and substitute the following:

### § 987.80 Determination of daily base.

The daily base of each producer shall be calculated by the market administrater as follows: Divide the total pounds of skim milk received by all pool plants from such producer during the months of September through January by the larger of:

- (a) 120 days, or
- (b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipts on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).
- 12. Amend § 987.82(b)(1) to read as follows:
- (1) If a base is transferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and the transferor during the base forming period and dividing the total by the larger of:
  - (i) 120 days; or
- (ii) The number of days beginning with the first day of which milk is received for either the transferee or transferor during the base forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).
- 13. Amend § 987.94(b) to read as follows:
- (b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month, and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk received from each such
- 14. Delete § 987.95 and substitute the following:

### $\S$ 987.95 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, for the immediately preceding month, five cents per hundredweight, or such amount not exceeding five cents per hundredweight, as the Secretary may prescribe, with respect to all:

- (a) Receipts of producer milk, including such handler's own production;
- (b) Other source milk allocated to Class I pursuant to § 987.46 (b) and (c) and the corresponding steps of § 987.47; and
- (c) Applicable amounts specified in § 987.62 (a) (2) or (b) (2).

15. Redesignate the present §§ 987.99, 987.100, 987.101, and 987.102 as §§ 987.-100, 987.105, 987.106 and 987.107, respectively, and add a new § 987.99 as follows:

#### § 987.99 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 987.62, 987.93, 987.94(a), 987.95, 987.97, or 987.98 shall be increased one-half of one percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the date such obligation is due shall be considered to have been received when due.

#### MISSISSIPPI GULF COAST ORDER

### 1. Amend § 1014.10(b) as follows:

- (b) A supply plant from which during the month 50 percent or more of receipts from dairy farmers producing Grade A milk is moved to a plant(s) described in paragraph (a) of this section. Any supply plant that was a pool plant during each of the months of September through January immediately preceding shall continue to be a pool plant each of the following months of February through August unless written notice to the market administrator is received, before the first day of the month of its intention to withdraw, in which case such plant shall thereafter be a nonpool plant, unless it again qualifies as a supply plant by shipping 50 percent or more of its receipts from dairy farmers to a plant(s) described in paragraph (s) of this section.
  - 2. Amend § 1014.12(c) as follows:
- (c) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with § 1014.15.
- 3. Delete § 1014.14 and substitute the following:

### § 1014.14 Producer.

"Producer" means any person other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant or is diverted pursuant to § 1014.15.

4. Delete § 1014.15 and substitute the following:

### § 1014.15 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk received at a pool plant or by a cooperative association as provided pursuant to \$1014.12(c) for the account of such handler, subject to the following conditions:

(a) The operator of a pool plant may divert the milk production of a producer to the pool plant of another handler for any number of days of the month;

(b) During March through July the operator of a pool plant or a cooperative association may divert milk from a pool plant to a nonpool plant in an amount not in excess of two-thirds of the total

quantity of milk physically received at a pool plant during the month: Provided, That such diversion privileges in any month shall be applicable only to the milk of those dairy farmers who held producer status throughout the two immediately preceding months;

(c) During the months of August through February the operator of a pool plant or a cooperative association as provided pursuant to § 1014.12(c) may divert milk from a pool plant to a nonpool plant in an amount not in excess of one-third of the total quantity of milk physically received at a pool plant during the month;

(d) Milk diverted for the account of the operator of a pool plant shall be deemed to have been received at the plant from which diverted, and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at the location of the pool plant from which it was diverted.

(e) In case milk diverted is in excess of the amount specified in paragraphs (b) or (c) of this section, only that milk physically received at a pool plant will be producer milk.

#### 5. Amend § 1014.22(i) as follows:

- (i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing:
- (1) On or before the 6th day of each month, the minimum price for Class I milk pursuant to \$1014.50(a) and the Class I butterfat differential computed pursuant to \$1014.51(a), both for the current month, and the minimum price for Class II milk computed pursuant to \$1014.50(b) and the Class II butterfat differential computed pursuant to \$1014.51(b) both for the previous month;
- (2) On or before the 10th day after the end of each of the months of August through February, the uniform price computed pursuant to § 1014.71 and the butterfat differential computed pursuant to § 1014.81: and
- (3) On or before the 10th day after the end of each of the months of March through July, the uniform prices for base milk and for excess milk computed pursuant to § 1014.72 and the butterfat differential computed pursuant to § 1014.81.
- 6. Amend the first paragraph of § 1014.30 as follows:

## § 1014.30 Reports of receipts and utilization.

On or before the sixth day of each month each handler operating a pool plant(s), each handler (other than a producer-handler) who operates a non-pool distributing plant and any cooperative association with respect to milk for which it is a handler shall report for the preceding month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

7. Delete § 1014.44 and substitute the following:

### § 1014.44 Transfers.

Skim milk and butterfat transferred or diverted during the month as a fluid milk product from a pool plant to:

(a) The pool plant of another handler shall be classified as Class I, unless:

- (1) Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 1014.30;
- (2) The receiving plant has utilization in Class II of equivalent amounts of skim milk and butterfat, respectively; and
- (3) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants:

(b) A plant operated by a producerhandler shall be Class I milk;

- (c) A nonpool plant that is a pool plant (a fully regulated plant) under another order issued pursuant to the Act shall be classified, if transferred in bulk, pursuant to the classification and allocation procedure of the other Federal order: Provided, That in the event such nonpool plant receives skim milk and butterfat from two or more plants regulated by one order(s), other than that under which it is regulated, the amount classified in each class shall be a pro rata share of such receipts allocated to that class;
- (d) A nonpool plant, except as specified in paragraphs (b) and (c) of this section, shall be Class I milk unless:

(1) The transferring handler claims Class II use on his report for the month;

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for verification of such Class II use; and

(3) The skim milk and butterfat, respectively, received in the form of fluid milk products received at the nonpool plant during the month from a pool plant(s) (except the amounts pursuant to subparagraph (4) of this paragraph and the similar provision of such other order) and from a plant(s) at which milk is priced pursuant to another order issued pursuant to the Act does not exceed the skim milk and butterfat, respectively, resulting from the following computation:

(i) Determine the skim milk and butterfat, respectively, in Class II (as defined pursuant to § 1014.41(b)(1)) at such nonpool plant during the month:

(ii) Subtract the overage or add the actual shrinkage not to exceed 2 percent of total receipts of skim milk and butterfat, respectively, in the total receipts physically received at such nonpool plant during the month;

(iii) Add the increases or subtract the decreases of skim milk and butterfat, respectively, in the inventory of fluid milk products at the end of the month at such nonpool plant as compared with that at the beginning of the month;

(iv) Add the skim milk and butterfat, respectively, in milk, skim milk, or cream transferred in bulk from such nonpool plant to a plant at which milk is priced under this or another order issued pursuant to the Act which is allocated to other than Class I under the applicable

order provisions at the transferee plant, but excluding any such transfers that may be classified under this or such other order pursuant to provisions similar to subparagraph (4) of this paragraph: Provided, That if skim milk and butterfat are received from unregulated sources at such transferee plant, such skim milk and butterfat, respectively, shall be assigned to Class II at such plant to the maximum extent possible for the purpose of this subparagraph;

(v) Add the skim milk and butterfat, respectively, in fluid bulk cream transferred from such nonpool plant to a second nonpool plant which is not in excess of Class II (pursuant to § 1014.41 (b) (1)) processed in such second nonpool plant plus the bulk fluid cream shipped therefrom to other nonpool plants which do not dispose of milk or cream in consumer packages for consumption in fluid form: Provided, That the second nonpool plant meets the conditions of subparagraph (2) of this paragraph; and

(vi) Subtract the skim milk and butterfat, respectively, received at such nonpool plant from any source(s) other than that which has been approved by a governmental agency as a source(s) of Grade A fluid milk products. In the event that the remaining skim milk and butterfat, respectively, is less than the skim milk and butterfat, respectively. received at such nonpool plant from a pool plant(s) and from a plant(s) at which milk is priced under another order issued pursuant to the Act, the difference shall be assigned pro rata to each pool plant (in accordance with receipts of skim mill and butterfat, respectively, from all plants regulated pursuant to the Act) and shall be classified as Class I milk; and

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim milk, or cream in bulk to a pool plant, the amount so transferred which is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from receipts within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated: Provided, That if the classification limitations provided in paragraph (a) of this section result in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers, such classification shall be shared pro rata between such handlers unless, at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

8. Delete § 1014.46 and substitute the following:

## § 1014.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computation shall be the pounds in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 1014.41(b)(3);

(b) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received as other source milk other than in the form of fluid milk products;

(c) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk in other source milk received in the form of fluid milk products, except that to be subtracted pursuant to paragraph (d) of this section;

(d) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II, the pounds of skim milk received from plants subject to the pricing and payment provisions of

another order issued pursuant to the Act;
(e) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(f) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers in such class pursuant to §§ 1014.41 and 1014.44(a);

(g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section; and

(h) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

9. Add two new \$\$ 1014.47 and 1014.48 as follows:

### § 1014.47 Allocation of butterfat classified.

Allocate the pounds of butterfat in each class to producer milk in the same manner as that prescribed for skim milk in § 1014.46.

# § 1014.48 Computation of total producer milk in each class.

Combine into one total the amounts computed pursuant to §§ 1014.46 and 1014.47 for each class and determine the weighted average butterfat content of producer milk.

10. Delete § 1014.52 and substitute the following:

## § 1014.52 Location differentials to handlers.

For milk which is received from producers at a pool plant located more than 60 miles by the shortest highway distance as determined by the market administrator from the courthouse in Gulfport or Pascagoula, Mississippi, whichever is closer, and which is classified as Class I milk the prices computed pursuant to § 1014.50(a) shall be reduced by 10 cents if such plant is located more than 60 miles but not more than 160 miles from such courthouse and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 160 miles: Provided, That, for the purposes of calculating such location differentials, fluid milk products transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 1014.46(d) and the comparable steps in § 1014.47 for such plant, such assignment to transferor-plants to be made first to plants at which the greatest location differential is applicable.

11. Change the present § 1014.53 to § 1014.54 and add a new § 1014.53 as follows:

#### § 1014.53 Rates of payment on other source milk.

The following rates of payment on other source milk to be applied pursuant to § 1014.70 (c) (e) and (f) shall be effective only in the months when the total receipts of producer milk are more than 112 percent of the total amount from all sources classified as Class I (excluding duplications) at all pool plants:

(a) On other source milk received other than in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

- (b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference at the same rate of location differential as set forth in § 1014.52 for the location of the nearest nonpool plant(s) supplying such other source milk.
- 12. Amend the first paragraph of § 1014.61 to read as follows:

### § 1014.61 Handler operating a nonpool distributing plant.

Each handler who operates, during the month, a nonpool distributing plant shall pay to the market administrator the amounts calculated pursuant to paragraph (a) of this section unless the handler elects at the time of reporting pursuant to § 1014.30 to pay the amounts computed pursuant to paragraph (b) of this section. The amounts payable pursuant to this section shall be made on or before the 25th day after the end of the months.

13. Delete § 1014.70 and substitute the following:

### § 1014.70 Computation of the value of milk received from producers by each handler.

The value of milk received during each month by each handler from producers shall be a sum of money computed as follows:

- (a) Multiply the pounds of milk in each class computed pursuant to § 1014.48 by the applicable class prices and add together the resulting amounts;
- (b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1014.46(h) and the corresponding step of § 1014.47 by the applicable class price;
- (c) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to

§ 1014.46(b) and the corresponding step of § 1014.47 by the rate as determined pursuant to § 1014.53(a).

(d) Add the amount obtained by multiplying by the difference between the Class II price for the preceding month and the Class I price for the current month the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1014.46(a) and the corresponding step of § 1014.47; or

(2) The hundredweight of producer milk classified as Class II (except shrinkage) during the preceding month;

(e) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1014.46(c) and the corresponding step of § 1014.47 by the rate pursuant to § 1014.53(b) for the nearest plant(s) from which an equal amount of other source milk was received in the form of fluid milk products; and

(f) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I pursuant to § 1014.46(e) and the corresponding step of § 1014.47 by the rate pursuant to § 1014.53 (a) or (b) as the case may be,

which:

(1) Is in excess of the sum of:

(i) The quantity for which payment is computed pursuant to paragraph (d) of this section; and

(ii) The quantity subtracted for the preceding month from Class II pursuant to § 1014.46(d) and the corresponding step of § 1014.47; and

(2) Is also not in excess of the quantity subtracted from Class II pursuant to § 1014.46 (b) and (c) in the preceding month.

14. Amend § 1014.72(b) by changing the reference to § 1014.81 to § 1014.82.

15. Amend § 1014.72(d) by changing the reference to § 1014.82 to § 1014.81.

16. Delete § 1014.75 and substitute the following:

### § 1014.75 Determination of daily base.

The daily base of each producer shall be calculated by the market administrator as follows: Divide the total pounds of milk received by all pool plants from such producer during the months of September through January by the larger of:

(a) 120 days, or

- (b) The number of days beginning with the first day in such months on which milk is received from such producer and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was produced).
- 17. Delete § 1014.77(a) and substitute the following:

### § 1014.77 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base shall be assigned to:

(1) Each person for whose account milk is received at a pool plant during the months of September through January in accordance with § 1014.75 except

that the total receipts from a person for whose account milk is received at a pool plant for less than 120 days during the months of September through January and for whose account milk is also received at a plant(s) fully regulated by another order issued pursuant to the Act during the months of September through January shall be determined by combining into one total the receipts at a pool plant(s) and at a plant(s) fully regulated under another order:

(2) Each person that, during the month, has not been assigned a base under another order issued pursuant to the Act, but for whose account milk was received at a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any of the immediately following months of March through July, on such receipts at such plant as if such plant had been a pool plant during each month of the base

forming period; and

(3) Each person that, during the months, has been assigned a base under another order issued pursuant to the Act, but for whose account milk was received at a plant that did not qualify as a pool plant during each month of the base forming period, but which qualifies as a pool plant during any of the immediately following months of March through July. the same as the base assigned under such other order.

(b) An entire base shall be transferred from a person holding such base to another person as of the end of the month during which an application for the transfer of such base is received by the market administrator, such application to be on forms approved by the market administrator and signed by the base holder or his heirs and by the person to whom such base is to be transferred subject to the following conditions:

(1) If one or more bases are traffsferred to a producer already holding a base, a new base shall be computed by adding together the producer milk deliveries of the transferee and transferor during the base forming period and dividing the total by the larger of:

(i) 120 days; or

- (ii) The number of days beginning with the first day on which milk is received from either the transferee or transferor during the base forming period and ending with January 31 (plus the number of days prior to the day of such first receipt on which such milk was produced, and minus the number of days in January on which milk received from such producer in February was pro-
- 18. Redesignate § 1014.89 as § 1014.90 and add a new § 1014.89.

### § 1014.89 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1014.61, 1014.84, 1014.85, 1014.86, 1014.87(a) or 1014.88 shall be increased one-half of one percent each month or fraction thereof starting the third day after the date such obligation is due until such obligation is paid. Any remittance received by the market administrator postmarked not later than the

date such obligation is due shall be considered to have been received when due.

Issued at Washington, D.C., this 2d day of August 1960.

ROY W. LENNARTSON, Deputy Administrator.

[F.R. Doc. 60-7298; Filed, Aug. 4, 1960; 8:48 a.m.]

### [7 CFR Part 957]

# IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

# Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98, as amended, and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the Federal Register.

The proposals are as follows:

### § 957.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, both as amended, to enable such committee to perform its functions, pursuant to provisions of the amended marketing agreement and order, during the fiscal period beginning June 1, 1960, and ending May 31, 1961, will amount to \$30,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and Order No. 57, both as amended, shall be sixty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated: August 1, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 60-7288; Filed, Aug. 4, 1960; 8:47 a.m.]

### [7 CFR Part 1020]

# HANDLING OF APRICOTS GROWN IN DESIGNATED COUNTIES IN WASH-INGTON

### Notice of Proposed Rule Making With Respect to Carryover of Unexpended Funds

Consideration is being given to the following proposal submitted by the Washington Apricot Marketing Committee, established under Marketing Agreement No. 132 and Order No. 120 (7 CFR Part 1020), regulating the handling of apricots grown in designated counties in Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture determine that it is appropriate for the maintenance and functioning of the committee that unexpended assessment funds in the amount of \$5,765.09, which are in excess of expenses incurred during the fiscal period ended March 31, 1960, shall be carried over as a reserve, and may be used, in accordance with the provisions of § 1020.42 of the said marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the Federal Register. All documents should be filed in quadruplicate.

Terms used herein shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 1, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 60-7289; Filed, Aug. 4, 1960; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 2 ]

[Docket No. 13737; FCC 60-983]

### SPECIFICATIONS OF BANDWIDTH OF CERTAIN KINDS OF TRANSMITTERS PRODUCING COMPOSITE TRANS-MISSIONS

### Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The purposes of the rules proposed herein are to provide satisfactory formulas for computing the necessary bandwidth and to provide for a standard modulation condition for measuring the occupied bandwidth of certain kinds of transmitters. The proposed rules are set forth below.

3. "Necessary bandwidth", as defined in § 2.202(a) of the Commission's rules, is the established criterion in most radio services for assigning the bandwidth prefix in the emission designator used in licensing and type acceptance procedures. Section 2.202(b) provides a table of formulas for calculating necessary bandwidths for various types of equipment. Presently the formulas in this table are not designated as applicable to composite types of emissions produced by multiplex modulation systems. The formulas set forth below for inclusion in the tables of § 2.202(b) would apply to equipment employing composite modulation systems to provide a plurality of channels over a single transmitter.

4. "Occupied bandwidth", as defined in § 2.524(c) of the Commission's rules, also is an important characteristic of transmitting equipment. It provides an index of the spectrum distribution of the power radiated by the transmitter, thus permitting an evaluation of the interference potential of the equipment. The Commission requires an actual measurement of occupied bandwidth to be submitted with transmitter type acceptance applications. Up to the present time, a standard method of measuring the occupied bandwidth of transmitters which produce composite emissions has not been set forth in the rules. This has led to some confusion and misunderstanding about the technical requirements and measurement procedures which should be employed in connection with type acceptance applications. It appears that standardization of the modulation conditions for such measurements would benefit applicants for type acceptance and would aid the Commission by minimizing confusion. Standardization also would provide a foundation for a more equitable evaluation of type acceptance applications. The specified modulation conditions proposed for occupied bandwidth measurement in this rule making are considered "representative" and are parallel with similar requirements specified for other types of transmitters. In essence, it is proposed that, for transmitters in which the modulating baseband comprises more than three channels, the modulating signal should consist of random noise of a specified bandwidth and at a specified level. Transmitters in which the modulating base band comprises a lesser number of channels should be modulated with a complement of signals representative of operating conditions. The signal generating and the measuring equipment required for the proposed measurements are readily available to manufacturers of transmitting equipment.

5. In addition, it is proposed to add to § 2.1 of the Commission's rules a definition of the term "baseband". This is considered necessary in order to regularize application of the proposed bandwidth rules. The term "baseband" is of long standing and is widely used and understood in the communications industry. It is a term embracing the aggregate of the frequency ranges occupied by all the individual channels modulating the transmitter.

6. In issuing this notice of proposed rule making the Commission has taken cognizance of the Recommendations regarding Microwave Bandwidth submitted by the Electronic Industries Association (EIA) under date of January 19, 1960. The proposed rules herein are believed to be consonant with the recommendations of the EIA document.

7: The proposed rules are issued under authority of sections 4(i), 303 (e), (f) and (r) of the Communications Act of

1934, as amended.

- 8. Any interested person who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before October 1, 1960, a written statement or brief setting forth his comments. At the same time, any person who favors the proposed rules may file a statement or brief in support thereof. Rebuttal comments or briefs may be filed within ten days from the last date of filing of said original comments or briefs. The Commission will consider all such comments, briefs, and statements before taking final action and, if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place thereof will be given.
- 9. In accordance with § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 29, 1960.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] BEN F. WAPLE,

Acting Secretary.

### § 2.1 [Amendment]

1. It is proposed to amend § 2.1 Definitions, by adding the following in the appropriate alphabetical order:

Baseband. In the process of modulation, the baseband is the frequency band occupied by the aggregate of the modulating signals when first used to modulate a carrier.

2. It is proposed to amend the tables in § 2.202(b) by adding the following classifications:

### § 2.202 Bandwidths.

(b) Table of necessary bandwidths.

#### I. AMPLITUDE MODULATION

	I. AMPLITUDE M	IODULATION				
Description and class	Necessary bandwidth in	Examples	Examples			
of emission	cycles per second	o Details	Designation of emission			
Composite transmission:	2M (double sideband)	525 line television relay, visual signal limited to 4 Mc maximum, aural channel on 6.5 Mc subcarrier.  M=6.5×10°.  Bandwidth: 13,000 kilocycles.	13,000 A9			
Composite transmission:	2M	Microwave relay system providing 10 telephone channels occupying baseband between 4 and 164 kilocycles.  M=164×10³.  Bandwidth: 328 kilocycles.	-			
	II. FREQUENCY Mo	DDULATION				
Description and class	Necessary bandwidth in	Examples				
of emission	cycles per second	Details	Designation of emission			
Composite transmission:	2M+2D	Microwave relay system providing 240 telephone channels occupying baseband between 60 and 1050 kilocycles.  M = 1.05×10°.  D = 2.35×10°.  Bandwidth: 6800 kilocycles.	6800F9			
Composite transmission:	2M+2D	TV microwave relay, aural program on 7.5 Mc subcarrier; subcarrier deviation plus or minus 140 kilocycles. M=subcarrier frequency plus maximum deviation=(7.5 plus 0.14)×108. D=1×108 (susal) plus 0.3×108 (aural). Bandwidth: 17,880 kilocycles.	17,880F9			
Composite transmission: F9.	· 2M+2D '	FM Broadcast with 2 FM subcarriers in multiplex at 41 and 67 kc, subcarrier deviation plus or minus 8 kc. M = (67 plus 8)×10 <sup>3</sup> .  D=52.5×10 <sup>9</sup> (main) plus 2×11.25×10 <sup>3</sup> (subchannels)=75×10 <sup>3</sup> ;  Bandwidth: 300 kc.	<b>3</b> 00F9			
	III. Pulsed E	2 Missions	(			
Description and class	Necessary bandwidth in	Éxamples				
of emission	cycles per second	Details .	Designation of emission			
Composite transmission:	2 <del>K</del> K=1.6	Microwave relay, pulse-position mod- ulated by 36 channel baseband: pulse width at half amplitude=0.4 microseconds. Bandwidth: 8000 kc.	* 8000 P9			

3. It is proposed to amend § 2.524 by redesignating paragraph (c) (6) as (c) (8), and by adding new paragraph (c) (6) and (7), as follows:

§ 2.524 Measurement data required for type acceptance.

(c) \* \* \*.

- (6) Transmitters in which the modulating baseband comprises more than three independent channels—when modulated with a test signal consisting of a band of random noise extending continuously from below 20 kilocycles to the highest frequency in the baseband. The level of the test signal shall be adjusted to provide RMS modulation which is 22.4 percent of the full rated peak modulation of the transmitter.
- (7) Transmitters in which the modulating baseband comprises not more

than three independent channels—when modulated by the full complement of signals for which the transmitter is rated. The level of modulation for each channel should be set to that prescribed in rule parts applicable to the services for which the transmitter is intended. If specific modulation levels are not set forth in the rules, the test levels should provide the manufacturer's maximum rated condition.

(8) Transmitter designed for other types of modulation—when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal used should be supplied.

[F.R. Doc. 60-7309; Filed; Aug. 4, 1960; 8:48 a.m.]

### [ 47 CFR Part 3 ]

[Docket No. 13756; FCC 60-968]

# INTERFERENCE RECEIVED BY CLASS IV BROADCAST STATIONS SEEKING TO INCREASE POWER.

### **Notice of Proposed Rule Making**

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 3.28(c) of the rules presently provides that a Class II, III, or IV station may be assigned to a channel, even though it receives interference, if (1) no objectionable interference is caused to existing stations, or, if so, the need for the new service outweighs the need for the service lost; (2) primary service will be provided to the community, and (3) in pertinent part: "The interference received does not affect more than 10 percent of the population in the proposed station's normally protected primary service area."

3. It is proposed to amend the first sentence of subparagraph (3) to read as follows: "The interference received does not affect more than 10 percent of the population in the proposed station's normally protected primary service area except in the case of existing Class IV stations on local channels seeking to increase daytime power in excess of 250 months."

vatts."

Slight language changes are also proposed in the last sentence of subpara-

graph (3) for clarification.

- 4. The Commission on May 28, 1958 amended its rules to provide, with certain restrictions, that the limit on daytime power of Class IV stations be raised from 250 watts to 1 kilowatt. On April 8, 1959, we further amended our rules to provide for the processing of applications for such facilities. There are now pending before the Commission more than 400 applications by Class IV stations to increase their daytime power above 250 watts. The mutual interference among these Class IV stations seeking to avail themselves of the new power ceiling of 1 kilowatt would in most cases entail interference to the individual station's new service area in excess of the 10 percent contemplated by § 3.28(c) (3). Notwithstanding this, in nearly all cases. additional areas and population will be served by such increase of power to 1 kilowatt. In these circumstances, and taking into account the purposes to be served by the amendment adopted May 28, 1958, increasing the maximum daytime power of Class IV stations, it appears undesirable to continue to apply § 3.28(c)(3) to such cases and thereby frustrate, to an extent, the improvement of service which the power increase would enable Class IV stations to achieve.
- 5. In view of the foregoing, it is proposed to amend § 3.28(c) of the rules as set forth below.
- 6. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before September 1, 1960, and reply comments on or before September 15, 1960. In reaching its deci-

sion on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

7. Authority for the amendment proposed herein is contained in sections 4(i) and 303 of the Communications Act of

1934, as amended.

8. In accordance with the provisions of section 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be filed with the Commission.

Adopted: July 27, 1960.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL]

BEN F. WAPLE;
Acting Secretary.

Subparagraph (3) of § 3.28(c) is amended. As amended, paragraph (c) reads as follows:

§ 3.28 Assignment of stations to channels.

(c) Upon showing that a need exists, a Class II, III, or IV station may be assigned to a channel available for such class, even though interference will be received within its normally protected contour; Provided: (1) No objectionable interference will be caused by the proposed station to existing stations or that if interference will be caused, the need for the proposed service outweighs the need for the service which will be lost by reason of such interference; and (2) primary service will be provided to the community in which the proposed station is to be located; and (3) the interference received does not affect more than 10 percent of the population in the proposed station's normally protected primary service area except in the case of existing Class IV stations on local channels seeking to increase daytime power in excess of 250 watts. However, in the event that the nighttime interference received by a proposed Class II or III station would exceed this amount. then an assignment may be made if the proposed station would provide either a standard broadcast nighttime facility to a community not having such a facility or if 25 percent or more of the nighttime primary service area of the proposed station is without primary nighttime service.

[F.R. Doc. 60-7311; Filed, Aug. 4, 1960; 8:49 a.m.]

### [47 CFR Part 3]

[Docket No. 13755; FCC 60-966]

# NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

### Specified Nonbroadcast Activities on Multiplex Basis

1. Notice is hereby given of proposed rule making in the above-entitled matter.

- 2. The Commission has before it two petitions for rule making seeking to permit noncommercial educational FM broadcast stations to engage in specified non-broadcast activities on a multiplex basis to the extent and in the same manner that commercial FM broadcast stations were so authorized by the Commission's Report and Order released May 9, 1960, in Docket No. 12517.
- 3. One of these petitions was filed with the Commission June 24, 1960, by the National Association of Educational Broadcasters. (RM 188) The other petition was filed with the Commission June 30, 1960, by the WGBH Educational Foundation, (RM 189) licensee of noncommercial educational Station WGBH-FM, Boston, Massachusetts. Both petitions alleged that 162 educational FM broadcast stations now on the air would be severely handicapped in the organization of educational networks, in the rendering of specialized program services, expansion of in-school educational programming and allied activities if denied the authorization requested.
- 4. The Commission also has before it a petition filed on October 8, 1958, by the American Medical Association which, in addition to proposals for special Physicians' Radio Services which are a subject of the Commission's proceeding in Docket No. 13273, also requests amendment of Parts 3 and 4 of the Rules "to permit non-commercial educational FM stations to multiplex broadcast channels and to use such channels and associated remote pickup facilities for educational purposes without restriction". In support of its request the Medical Association cites the successful use by Albany Medical College of its educational FM station WAMC for post graduate instruction. The association urges that the Commission authorize multiplexing operation by educational stations, asserting that it will encourage the expansion of this valuable service and at the same time afford "semi-private" facilities for the discussion of medical subjects whose airing on regular broadcast channels available to the general public might not be deemed acceptable. It is appropriate to consider herein this portion of AMA's petition of October 8. 1958.
- 5. Petitioners WGBH Educational Foundation together with Fordham University and Pacifica Foundation, filed comments in the Commission's proceedings, Docket No. 12517, which authorized multiplexing for commercial FM broadcast stations, urging that in that proceeding the Commission likewise extend the authorization to include noncommercial educational FM stations. In paragraph 15 of its Report and Order (FCC 60-497) in that proceeding, the Commission stated: "While sympathetic with the objectives expressed in these comments, we feel that this issue goes beyond the scope of our Notice of Inquiry in this proceeding, and would more properly be considered in connection with formal petitions for rule amendment now pending before the Commission."

- 6. The Commission is now prepared to institute proceedings pursuant to petitioner's requests, and invites all interested parties to submit comments on the proposal to extend, through appropriate amendments of the Commission's Rules. the authorization for Subsidiary Communications Service by means of multiplexing to noncommercial educational FM stations. The language of the proposal submitted by the National Association of Educational Broadcasters is broadly phrased and would appear, in its terms, to include, without limit, all forms of service which might be rendered by the use of a subcarrier. To the extent that it may be contemplated that noncommercial educational FM stations be authorized to provide commercial background music or other program services similar to the "functional music" services provided by commercial FM stations to commercial subscribers, it should be noted that the proposal is inconsistent with the policy underlying § 3.503(c) of the Commission's rules which provide, in relevant part, that:
- (c) Each station shall furnish a nonprofit and noncommercial broadcast service. No sponsored or commercial program shall be transmitted nor shall commercial announcements of any character be made \* \* \*.

No justification is offered for amendment of the rules in this regard and we discern no basis in the pleadings before us for departing from the limits established by § 3.503(c). Accordingly, the proposal upon which comments are invited herein is limited to authorizing noncommercial educational FM stations to use subcarrier transmissions on a multiplex basis for educational purposes which in all respects conform with basic policy underlying the established rules limiting the use of such stations to noncommercial educational service.

7. Authority for the adoption of the amendments proposed in this proceeding is contained in sections 4(i), 303 (a), (b), (e), (g) and (r) of the Communications Act of 1934, as amended.

- 8. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before September 1, 1960, and reply comments on or before September 15, 1960. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.
- 9. In accordance with the provisions of § 1.54 of the Commission rules, an original and 14 copies of all written comments shall be filed with the Commission.

Adopted: July 27, 1960. Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 60-7312; Filed, Aug. 4, 1960; 8:49 a.m.]

[ 47 CFR Part 3 ]

[Docket No. 13264; FCC 60-974]

### NEW BEDFORD, MASS.

### Table of Assignments, Television Broadcast Stations

1. The Commission has before it for consideration the proposal set out in its notice of proposed rule making, released November 16, 1959 (FCC 59-1148) to amend § 3.606 Table of assignments, Television Broadcast Stations, by deleting Channel 6 from New Bedford, Massachusetts. Comments and reply comments have been received and the time for filing such pleadings has now expired.

2. On June 16, 1960, E. Anthony & Sons, Inc., Eastern States Broadcasting Corporation, and New England Television Company, Inc., all applicants for the Channel 6 facility at New Bedford, filed a joint request for termination of the proceedings in this Docket. These parties allude to the Memorandum Opinion and Order in Docket No. 12433 (FCC 60-596), released May 27, 1960, in which the Commission accepted the amendment of E. Anthony & Sons, Inc., filed June 18, 1959, for a change in the transmitter site for the proposed Channel 6 Station, alleging that by reason of the Commission's action, authorizing the change of the television tower site, the interference issue relating to the United States Coast Guard LORAN-C station has been rendered substantially moot. The Coast Guard, in fact, withdrew its objection to the proposed site, in view of the amendment, on the record in the adjudicatory proceeding. Transcript of Record, Docket No. 12433, Volume 5, page 125, June 23, 1960.

3. The sole basis upon which we proposed in this Docket to delete the assignment of Channel 6 from New Bedford was stated in the following language in the Notice of Proposed Rule Making:

It now appears that, because of objections posed in the interests of national defense, there is no prospect of locating a Channel 6 transmitter within the only area in which it would comply with the mileage separation requirements of § 3.610 of the rules.

Since, as already indicated, this proposal has been satisfactorily solved, there is no further occasion for pursuing the instant proceedings.

- 4. Springfield Television Broadcasting Corporation submitted a counterproposal looking toward the deletion of Channel 3 from Hartford, Connecticut, and its assignment to Providence, Rhode Island. This counterproposal was opposed by a number of parties. We are of the view that the merits of the counterproposal and the comments in opposition thereto can more appropriately be considered in the proceeding in Docket No. 13375, in which the Commission has under consideration an additional VHF assignment to Providence. Accordingly, these pleadings will be considered with that Docket.
- 5. Authority for the action taken herein is contained in section 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: It is ordered, That the request for termination of Commission's rule making proceeding, filed herein on June 16, 1960, is granted; and that this proceeding is terminated.

Adopted: July 29, 1960.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION, BEN WAPLE, Acting Secretary.

[F.R. Doc. 60-7313; Filed, Aug. 4, 1960; 8:49 a.m.]

### [ 47 CFR Part 10 ]

[Docket No. 13754: FCC 60-963]

### ADDITIONAL FREQUENCIES FOR AS-SIGNMENT TO LOCAL GOVERN-MENT RADIO SERVICE

### Notice of Proposed Rule Making

- 1. On December 18, 1957, the Commission adopted the First Report and Order in Docket No. 12169 which, inter alia, made frequencies in the 150.8-152.0 Mc band available for assignment on a 30 kc channel basis. This band had been reallocated from government to non-government use by Commission Order of September 19, 1957 (FCC 57-1016).
- 2. The frequencies between 150.995 Mc and 151.475 Mc thus created in the above Report and Order were assigned to Part 10 (Forestry Conservation and Highway Maintenance Radio Services). This band has not heretofore been further sub-divided so as to create 15 kc channels such as has been already effected in parts of the 152-162 Mc band.
- 3. In the First Report and Order in Docket 13273 adopted July 20, 1960, the Commission recognized the need for additional frequencies for use in the Local Government Radio Service. It was pointed out that the present frequencies were inadequate and that in some areas assignments were virtually impossible. The Commission then concluded "To alleviate the situation, the Commission intends to issue a notice of proposed rule making in the near future proposing to split certain frequencies between 150.8 Mc and 152 Mc and to assign the split channels resulting therefrom to the Local Government Radio Service."
- •4. In this proceeding, the Commission is proposing to split that part of the 150.8–152.0 Mc band which is presently assigned to Part 10 Services and to make the resulting channels available to the Local Government Radio Service. Thus, the frequencies affected would be those between 150.995 Mc and 151.475 Mc. This would establish 16 frequencies for Local Government radio use.
- 5. Since the frequencies resulting therefrom would be 15 kc channels, they would normally be assignable subject to the conditions of § 10.555(g) (5) (i), (ii), (iii). Because of the difficulty involved
- (iii). Because of the difficulty involved in meeting these conditions, it has been the Commission's experience that usage of such tertiary frequencies is necessar-

ily limited. Hence, while it is not proposed that these conditions be eliminated or amended with respect to these 16 new frequencies, the Commission is raising the tissue and is specifically seeking comments thereon.

6. The proposed amendment to the rules is issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

7. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, and any persons desiring to support this proposal may file with the Commission on or before September 15, 1960 written data, views or arguments setting forthhis comments. Comments in support of the proposed amendments also may be filed on or before the same date. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that. notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding. If comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

3. In accordance with the provisions of § 1.54 of the Commission's rules and

regulations, an original and fourteen copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 27, 1960. Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEI

BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 60-7314; Filed, Aug. 4, 1960; 8:49 a.m.]

# INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

INo. 321531

# UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Revenue From Parcel Rooms and From Storage of Baggage

JULY 25, 1960.

Notice is hereby given that the Interstate Commerce Commission has under consideration amendment of the accounting regulations (49 CFR Part 10) applicable to railroads canceling the texts of operating-revenue accounts 134, Parcel Room, and 136, Storage-Baggage. At the same time, operating-revenue ac-

count 143, Miscellaneous, will be amplified to provide that revenue from operation of parcel rooms and from storage of baggage shall be included in this account.

Explanatory statement. Since the advent of automatic coin lockers at stations in which passengers may place their baggage, revenue from operation of parcel rooms and storage of baggage has declined to an insignificant amount in relation to the gross revenues of carriers. The amount is not of sufficient importance to call for the use of separate primary accounts in which to disclose the proceeds from this operation. Therefore, it is proposed to cancel the two separate accounts and include such revenues in the general revenue account now provided for incidental transportation revenues.

All interested persons are invited to submit on or before September 1, 1960, written views or suggestions and may request oral argument or public hearing.

This notice will be served on all common carriers by railroad, and notice will be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing this notice with the Director, Federal Register Division.

By the Commission, division 2.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-7287; Filed, Aug. 4, 1960; 8:47 a.m.]

# **Notices**

### DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah (II-8)]

#### UTAH

### **Small Tract Classification Cancellation**

JULY 29, 1960.

Effective August 1, 1960, Small Tract Classification Order No. 3, dated June 14, 1955, embracing the following-described lands is cancelled:

SALT LAKE MERIDIAN

T. 14 S., R. \$0 E., Sec. 19: NE¼NE¼.

Containing 40 acres.

Val B. Richman, State Supervisor.

[F.R. Doc. 60-7269; Filed, Aug. 4, 1960; 8:45 a.m.]

### DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 869]

### PACIFIC COAST-HAWAII AND AT-LANTIC/GULF-HAWAII; GENERAL INCREASES IN RATES

### Notice of Supplemental Orders

Notice is hereby given that the Federal Maritime Board has entered, on the dates indicated below, the following Thirty-Sixth and, Thirty-Seventh Supplemental Orders to the original order in this proceeding dated September 10, 1959, which appeared in the Federal Register of September 23, 1959 (24 F.R. 7656):

THIRTY-SIXTH SUPPLEMENTAL ORDER; DATED JULY 14, 1960

It appearing that by the Original Order (as amended) in Docket 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as between Atlantic and Gulf ports and Hawaii; and

It further appearing that said Original Order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on June 20, 1960, Atlantic and Gulf/Hawaii Conference filed Application No. 19 seeking authority to publish, post and file, on 30 days' notice a consecutively numbered revised page to F.M.B.-F. No. 20 in order to establish the following commodity

rate item:

It further appearing that the Board having found good cause therefor has on July 14, 1960, granted special permission to publish such changes on 30 days' notice under Special Permission No. 3853; such special permission to be without prejudice to the right of the Board to suspend such schedule within the notice period, either upon receipt of protest thereto or upon its own motion.

It is ordered, That the Original Order herein is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3853; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this order be published in the Federal Register.

## THIRTY-SEVENTH SUPPLEMENTAL ORDER—DATED JULY 21, 1960

It appearing that by the Original Order (as amended) in Docket 869 served. September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as between Atlantic and Gulf ports and Hawaii; and

It further appearing that said Original Order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on July 6, 1960, Matson Navigation Company filed Special Permission Application No. 62 seeking authority to publish, post and file on 30 days' notice, a consecutively numbered supplement, presumably Supplement No. 3, to Freight Tariff No. 3-N, F.M.B.-F. No. 103, in order to make the following changes thereto:

I—Amend Rule No. 1 (Application of Rates) sub-paragraph (a) to read as follows: "Except as otherwise provided herein rates named apply from and to places on dock."

II—Amend Rule No. 11 to be applicable to new reduced Free In and Out rate on raw bulk sugar.

III—Amend Item No. 125 to read as follows:

Item 125-A cancels Item 125.

Sugar, raw, in bulk (subject to Rules 1 and 11 of this tariff and all of the following notes):

Per ton
When one port of loading required \$12.40
When two ports of loading required \$12.50
Notes.

1. Subject to prior booking arrangements and confirmation by the carrier.

2. Freight charges to be assessed on outturn weight of shipments. Delivery of all such cargo on board shall discharge carriers' bill of lading obligation. Bills of lading shall be claused: "Freight to be paid on outturn weight. All on board to be delivered."

3. Cargo moving under this item to be loaded, trimmed and discharged by the shipper and/or consignee free of all expense to the vessel of its agent.

It further appearing that the Board having found good cause therefor has on July 21, 1960, granted special permission to publish such changes on not less than thirty days' notice under Special Permission No. 3855;

It is ordered, That the Original Order herein is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3855 and Thirty-Seventh Supplemental Order; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the Office of Regulations of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents, protestants, and intervenors herein; and that this order be published in the Federal Register.

By order of the Federal Maritime Board.

Dated: August 2, 1960.

JAMES L. PIMPER, Secretary.

[F.R. Doc. 60-7282; Filed, Aug. 4, 1960; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10833 etc.; FCC 60-986]

### CITY OF JACKSONVILLE ET AL.

### Order Reopening Record for Further Hearing on Stated Issues

In re applications of City of Jacksonville, Jacksonville, Florida, Docket No. 10833, File No. BPCT-749; Florida-Georgia Television Co., Jacksonville, Florida, Docket No. 10834, File No. BPCT-1624; Jacksonville Broadcasting Corp., Jacksonville Florida, Docket No. 10835, File No. BPCT-1625; for construction permits for new television stations (Channel 12).

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1960;

The Commission having notice of so much of the proceedings of the session of June 2, 1958, of the Subcommittee on

Legislative Oversight, Committee on Interstate and Foreign Commerce, House of Representatives (Legislative Oversight Committee), as related to the question of possible ex parte representations made during the course of the above-entitled proceeding;

The Commission having reviewed and considered the information and material adduced in the course of a further inquiry by Commission staff into such matters, undertaken at the direction of the Commission; and

It appearing that the record of the Legislative Oversight Committee and the information disclosed by such Commission inquiry with respect to the mater of ex parte representations raise question with respect to whether the award heretofore made may be void ab initio or voidable, and whether a party or parties to the proceeding may be disqualified by reason of misconduct to receive an award of a television construction permit;

It is ordered, That the record in this proceeding is reopened and further hearing shall be held before a Hearing Examiner to be subsequently assigned on the following issues:

- 1. To determine whether any of the members of the Commission who participated should have disqualified himself from voting in the proceedings before the Commission which resulted in the award of a construction permit for a television station on Channel 12 in Jacksonville.
- 2. To determine whether any person or persons influenced or attempted to influence any member of the Commission with respect to the proceedings resulting in the award of the construction permit for Channel 12, Jacksonville, in any manner whatsoever except by the recognized and public processes of adjudication.
- 3. To determine whether any party to the proceedings before the Commission which resulted in the award of the construction permit for Channel 12 in Jacksonville-directly or indirectly secured, aided, confirmed, ratified, or knew of any misconduct or improprieties in connection with the proceedings.
- 4. To determine, in the light of the facts adduced upon the foregoing issues, whether the grant heretofore made of a construction permit for Channel 12, Jacksonville, was void ab initio and if not, whether such grant is voidable and action should be taken to set it aside; whether any of the applicants in this proceeding was and is disqualified to receive a grant of its application; and whether the conduct of any applicant, if not of a disqualifying character, has been such as to reflect adversely upon such applicant from a comparative standpoint.

It is further ordered, That the further hearing herein shall be held in the city of Washington, District of Columbia, or such other place as may be designated, commencing on a date to be fixed by the presiding officer; and

It is further ordered, That all parties to this proceeding before the Commission, namely, City of Jacksonville, Florida-Georgia Television Co., and Jack-

sonville Broadcasting Corporation, shall be admitted to participate as parties if they so request, and that any person or persons concerning whom evidence may be received in the said hearing shall be permitted to cross-examine and to submit rebuttal testimony if he or they request the opportunity to do so; and

It is further ordered, That the presiding officer shall permit the Attorney General of the United States or his designated representative, upon request made, to participate in the hearing as amicus curiae.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,

[SEAL] BEN F. WAPLE, Acting Secretary.

[F.R. Doc. 60-7302; Filed, Aug. 4, 1960; 8:48 a.m.]

[Docket No. 13624 etc.; FCC 60M-1334]

### FREDERICK COUNTY BROAD-CASTERS ET AL.

### **Order Continuing Hearing**

In re applications of Ralph D. Epperson and Earlene S. Epperson, d/b as Frederick County Broadcasters, Winchester, Virginia, Docket No. 13624, File No. BP-12531; Town Radio, Inc., Shippensburg, Pennsylvania, Docket No. 13625, File No. BP-13240; Jesse J. Goodman, Berryville, Virginia, Docket No. 13626, File No. BP-13860; for construction permits.

The Hearing Examiner having under consideration the record of the prehearing conference held in the above-entitled proceeding on July 29, 1960, and considering it to be desirable that the procedural agreements reached by the parties and approved by the Hearing Examiner should be the subject of a formal order;

It appearing that the parties require additional time in order properly to prepare their technical engineering presentations and that in view of the agreements they have entered into which should have the effect of simplifying and expediting the hearing it is not unreasonable to continue the hearing until November 1, 1960;

It is ordered, This 29th day of July 1960, that the hearing in this proceeding, presently scheduled to commence September 14, 1960, is hereby continued to 10:00 a.m., Tuesday, November 1, 1960 at the Commission's offices, Washington, D.C.:

It is ordered further, That (a) engineering exhibits in draft form, but complete nonetheless, are to be exchanged among the parties not later than September 20, 1960; (b) that all exhibits whether engineering or non-engineering, are to be exchanged in final form, with copy of each to be provided the Hearing Examiner, not later than October 18, 1960; and (c) that a second prehearing conference is hereby schedulded for 2:00 p.m., Tuesday, October 25, at the Commission's offices, Washington, D.C.

It is ordered further, That the transcript of the prehearing conference is hereby incorporated herein by reference to the same effect as if it were set out

in detail so that it may serve as a ready reference to all parties in regard to the agreements therein arrived at.

Released: August 1, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7303; Filed, Aug. 4, 1960; 8:48 a.m.]

[Docket Nos. 13222, 13225; FCC 60-924]

# MICHIGAN BROADCASTING CO. (WBCK) AND WPET, INC. (WPET)

# Memorandum Opinion and Order Amending Issues

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, Docket No. 13222, File No. BP-11439; WPET, Inc. (WPET), Greensboro, North Carolina, Docket No. 13225, File No. BP-11742.

1. The Commission has before it for consideration a "Petition to Delete Issue" filed May 6, 1960 by WPET, Inc., and a "Broadcast Bureau Reply to Petition to Delete Issue" filed May 19, 1960.

2. The Commission's August 19, 1959, 309(b) letter to the applicant stated as follows:

A statement should be submitted in support of the applicant's belief that the broadcasting of 1,200 commercial spot announcements per week would be in the public interest. The statement should include a description of the nature, type and general content of the commercial spot announcements proposed, the length of the individual announcements and the manner in which the applicant proposes to distribute 1,200 commercial spot announcements throughout a weekly program schedule.

The requested information was not furnished, and the following issue was designated for hearing:

"9. To determine the type and character of program service which would be broadacst by Guilford Advertising, Inc., BP-11742, and whether the program service would be in the public interest."

Petitioner requests that the above-quoted issue be deleted, and the Commission's Broadcast Bureau filed comments in support of this request. Petitioner alleges that with Commission approval it acquired controlling interest in WPET from the party involved in the hearing issue, and that it has amended the proposal to provide for 1,105 instead of 1,200 commercial spot announcements in its full-time operation, that there would be no more than three such announcements in any 14½ minute segment, day or night, and that the spot announcements would not exceed 60 seconds.

4. The amended proposal meets the objections originally outlined by the Commission, and Issue 9 will therefore be deleted.

Accordingly, it is ordered, This 27th day of July 1960, That the Petition to Delete Issue, filed May 6, 1960, by WPET, Inc., is granted: And it is further ordered, That the order released October 28, 1959

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(FCC 59-1079) is amended by deleting Group 3 were consolidated in the above proceeding only because of an apparent

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,

Acting Secretary.

[F.R. Doc. 60-7304; Filed, Aug. 4, 1960; 8:48 a.m.]

[Docket No. 13222, etc.; FCC 60-928]

# MICHIGAN BROADCASTING CO. (WBCK) ET AL.

# Memorandum Opinion and Order Severing Applications

In re applications of Michigan Broadcasting Company (WBCK), Battle Creek, Michigan, Docket No. 13222, File No. BP-11439; WPET, Incorporated (WPET), Greensboro, North Carolina, Docket No. 13225, File No. BP-11742; Seven Locks Broadcasting Company, Potomac-Cabin John, Maryland, Docket No. 13227, File No. BP-11877; Radio Virginia, Incorporated (WXGI), Richmond, Virginia, Docket No. 13229, File No. BP-12228; The Tidewater Broadcasting Company Inc., Smithfield, Virginia, Docket No. 13243, File No. EP-12814; CABA Broadcasting Corporation, Baltimore, Maryland, Docket No. 13245, File No. BP-12962; Rossmoyne Corporation, Lebanon, Pennsylvania, Docket No. 13247, File No. BP-13110; Edwin R. Fischer, Newport News, Virginia, Docket No. 13248, File No. BP-13114; Charles R. Rudolph, Farley W. Warner, Richard S. Cobb and Mary Cobb, d/b as Catonsville Broadcasting Company, Catonsville, Maryland, Docket No. 13250, File No. BP-13150; Mary Cobb and Richard S. Cobb, d/b as Tenth District Broadcasting Company, McLean, Virginia, et al., Docket No. 13251, File No. BP-13153; for construction permits.

1. The Commission has before it for consideration the matters of record in this proceeding including (1) the Order designating the above application for hearing, released October 28, 1959 (FCC 50-10791), (2) a "Petition for Severance," filed June 13, 1960, by Rossmoyne Corporation, Lebanon, Pennsylvania, and (3) a pleading by the Broadcast Bureau in support of this petition for severance."

erance, filed June 23, 1960.

2. Rossmoyne Corporation, Lebanon, Pennsylvania, is an applicant for a new standard broadcast facility, daytime only (940 kc., 1 kw), which would be located in Lebanon. On October 21, 1959, the Commission designated its application for hearing with that of 30 other applicants for new or improved facilities within 10 kc. of Rossmoyne's requested frequency assignment (FCC 59-1079). By Order released December 23, 1959 (FCC 50M-1761), the Hearing Examiner established Groups 1, 2, and 3 for purposes of convenience since only one or two applications linked the various groups to each other.

3. Rossmoyne Corporation requests that Group 3 be severed from this 31-party proceeding and treated separately. It notes that nine applicants are presently in Group 3; that the applicants in

proceeding only because of an apparent conflict between the application of Tri-Cities Radio Company, Docket No. 13240 (Group 2) and the application of Cape Fear Broadcasting Company, Docket No. 13236 (Group 3); that since this proceeding began, the application of Cape Fear Broadcasting Company has been severed and granted and that of Tri-Cities Radio Company dismissed; that, accordingly, there is no longer any conflict between any of the applications in Group 3 and any of the applications in Groups 1 and 2; and that severance of the Group 3 applications and designation for a separate hearing would simplify the proceedings and result in more expeditious action with respect to the applications of all three groups. The Broadcast Bureau, reciting the same chain of events relied on by Rossmoyne Corporation, supports Rossmoyne's petition for severance.

4. It is clear that the public interest will be served by a grant of the instant Petition for Severance filed by Rossmoyne Corporation since the hearings resulting from such a severance are more manageable and will permit a more expeditious determination of the questions now in issue.

Accordingly, it is ordered, This 27th day of July 1960, That the "Petition for Severance" filed June 13, 1960, is granted, and that the applications of Seven Locks Broadcasting Company, Radio Virginia,-Incorporated (WXGI), WPET, Incorporated (WPET), The Tidewater Broadcasting Company, Caba Broadcasting Corporation, Rossmoyne Corporation, Edwin R. Fischer, Charles R. Rudolph, Farley W. Warner, Richard S. Cobb and Mary Cobb d/b as Catonsville Broadcasting Company, and Mary Cobb and Richard S. Cobb, d/b, as Tenth District Broadcasting Company are severed from the above-captioned proceeding for a determination of the issues specified as to them: and

It is further ordered, That the Commission's order of October 28, 1959, designating these applications for hearing, is modified accordingly.

Released: August 2, 1960.

FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-7305; Filed, Aug. 4, 1960; 8:48 a.m.]

[FCC 60-936]

### STANDARD BROADCAST APPLICA-TIONS READY AND AVAILABLE FOR PROCESSING

AUGUST 2, 1960.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on September 7, 1960, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing, and that pursuant to §§ 1.106(c)(1) and 1.361(b) of the Commission rules, an application, in order to be considered with

any application appearing on the list below, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on September 6, 1960, or (b) if action is taken by the Commission on any listed application prior to September 7, 1960 no later than the close of business on the day preceding the date on which such action is taken, or (c) the day on which a conflicting application was "cutoff" because it was timely filed for consideration with an application on a previous such list.

(1) Applications listed in the attached Appendix, and (2) any timely filed applications involving an engineering conflict therewith, must be amended by the close of business on September 6, 1960, to include the engineering showing required by the revision of Section V-A, FCC Form 301, adopted by the Commission on March 16, 1960, FCC 60-243; except that any such application. (1) and (2), on which a section 309(b) letter has been issued, prior to the adoption date of this Notice, need not be amended to include the said showing. However, if the engineering in any such application is amended after issuance of a section 309(b) letter, the said showing must be submitted with the amend-

Adopted: July 27, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX

Applications from the top of the processing line

BP-13291 NEW, Bolivar, Tenn.
Savannah Broadcasting Service,
Inc.
Req: 1050 kc, 250 w, Day.

BMP-8632 WWIL, Fort Lauderdale, Fla.
Florida Air-Power, Inc.
Has CP: 1580 kc, 1 kw, 10 kw-LS,
DA-2, U.
Req MP: 1580 kc, 5 kw, 10 kw-

LS, DA-2, U.
BP-13293 NEW, New Canaan, Conn.
New Canaan Broadcasting Co.

Req: 1490 kc, 250 w, U.

BP-13294 WMUU, Greenville, S.C.
Bob Jones University, Inc.
Has: 1260 kc, 1 kw, Day.
Req: 1260 kc, 5 kw, Day.

BP-13296 NEW, Palm Springs, Calif.
Cummings Broadcasting Associ-

ates.
Reg: 1340 kc, 250 w, U.
BP-13298 KBUN, Bemidji, Minn.
Paul Bunyan Broadcasting Co.
Has: 1450 kc, 250 w, U.

Req: 1450 kc, 250 w, 1 kw-LS, U.
BP-13299 NEW, Espanola, N. Mex.
Community Broadcasting Co. of
Espanola.

Req: 1370 kc, 1 kw, Day.

BP-13300 WDOE, Dunkirk, N.Y.

Lake Shore Broadcasting Co., Inc.

Has: 1410 kc, 500 w, DA-N, U.

Req: 1410 kc, 500 w, 1 kw-LS,

DA-N, U.

BP-13301 NEW, Safford, Ariz. Willard Shoecraft.

Req: 1230 kc, 250 w, U.
BP-13302 WBRG, Lynchburg, Va.
Harry A. Epperson, Sr.
Has: 1050 kc, 1 kw, Day.
Red: 930 kc, 5 kw, Day.

r riauy,	August 5, 1900
BP-13303	WINF, Manchester, Conn.
BF-13303	Manchester Broadcasting Co.
•	Has: 1230 kc, 250 w, U.
DD 10005	Req: 1230 kc, 250 w, 1 kw-LS, U.
BP-13305	NEW, Celina, Ohio. Marshall Rosene.
	Reg. 1350 kc, 500 w, DA, Day,
BP-13306	WICH, Norwich, Conn.
	Eastern Connecticut Broadcast-
	ing Co.
	Has: 1310 kc, 1 kw, DA-1, U. Req: 1310 kc, 1 kw, 5 kw-LS, DA-
	2, U.
BP-13307	NEW, Watertown, S. Dak.
	Paul D. Bernards.
BP-13308	Req: 1480 kc, 1 kw, Day.  NEW, Twenty-Nine Palms, Calif.
21 10000	Hi-Desert Broadcasting Corp.
	Req: 1250 kc, 1 kw, Day.
BMP-8653	WAMS, Wilmington, Del.
	Rollins Broadcasting of Dela- ware, Inc.
,	Has CP: 1380 kc, 1 kw, 5 kw-LS,
	Has CP: 1380 kc, 1 kw, 5 kw-LS, DA-2, U (5 kw when WBNX
•	operates).
	Req MP: 1380 kc, 1 kw, 5 kw-LS, DA-3, U (5 kw when WBNX
/	operates).
BP-13309	NEW, Alexander City, Ala.
	Radio Alexander City.
DD 10010	Req: 910 kc, 500 w, Day.
BP-13310	NEW, Columbus, Nebr. The City and Farm Broadcasting,
-	Inc.
_ <u>-</u>	Req: 1590 kc, 500, w, Day.
BP-13311	WBOW, Terre Haute, Ind.
	Radio WBOW, Inc. Has: 1230 kc, 250 w, U.
	Req: 1230 kc, 250 w, 1 kw-LS U.
BP-13315	NEW, Price, Utah.
•	Inland Empire Broadcasting Co.
BP-13316	Req: 1050 kc, 1 kw, Day, KBYG, Big Spring, Tex.
22 10010	Radio Station KBYG.
	Has: 1400 kc, 100 w, U.
BP-13318	Req: 1400 kc, 250 w. U.
DF-13316	WEVE, Eveleth, Minn. Carl Bloomquist.
*	Has: 1340 kc, 250 w, U.
	Req: 1340 kc, 250 w, 1 kw-LS, U.
BP-13320	WHOU, Houlton, Maine.
	Northern Maine Broadcasting Corp.
	Has: 1340 kc, 250 w, U.
DD 10001	Req: 1340 kc, 250 w, 1 kw-LS, U.
BP-13321	WISV, Viroqua, Wis. Parks Robinson.
	Has: 1360 kc, 500 w, Day.
	Reg: 1360 kc. 1 kw. Dav.
BP-13322	WEŻJ, Williamsburg, Ky.
	Whitley County Broadcasting Co., Inc.
	Has: 1440 kc, 500 w, Day.
	Req: 1440 kc, 1 kw, Day. NEW, Kailua, Hawaii.
BP-13323	
•	Egal Radio. Req: 1130 kc, 1 kw, U.
BP-13324	WLLH, Lowell, Mass.
	Merrimac Broadcasting Co., Inc.
	Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 500 w-LS, U.
BP-13325	WLLH, Lowell, Mass.
	-Merrimac Broadcasting Co., Inc.
	Has: 1400 kc, 250 w, U. Req: 1400 kc, 250 w, 500 w-LS.
	Req: 1400 kc, 250 w, 500 w-LS, U (Synchronous Amplifier-
	WLLH).
BP-13326	WTSV, Claremont, N.H.
	Radio Claremont, Inc.
	Has: 1230 kc, 250 w, U.
BP-13327	Req: 1230 kc, 250 w, 1 kw-LS, U. NEW, Cartersville, Ga.
	Bartow County Broadcasting Co.
	Req: 1270 kc, 500 w, Day.
BP-13328	WGHQ, Kingston, N.Y.
	Skylark Corp.
	Has: 920 kc, 1 kw, DA, Day (Saugerties, N.Y.)
	Req: 920 kc, 5 kw, DA, Day
	(Kingston, N.Y.).

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FEDERAL REGISTER
BP-13329 KVEL, Vernal, Utah.
              Uintah Broadcasting and TV Co.
              Has: 1250 kc, 1 kw, Day.
             Req: 1250 kc, 5 kw, Day.
NEW, Winnsboro, S.C.
 BP-13331
              Fairfield Broadcasting Co., Inc.
              Req: 1250 kc, 500 w, Day.
             NEW, Clovis, N. Mex.
 BP-13333
             Norman E. Petty.
             Req: 680 kc, 500 w, DA-1, U.
             NEW, Punta Gorda, Fla.
 BP-13336
             Peace River Broadcasting Corp.
             Req: 1350 kc; 500 w, Day.
             NEW, North Augusta, S.C.
 BP-13338
             Harry Hammond.
             Req: 1600 kc, 500 w, Day.
NEW, Cheyenne, Wyo.
 BP-13343
             J & J Broadcasting Co.
             Req: 980 kc, 500 w, Day.
 BP-13344
             NEW, Lenoir, N.C.
             John E. Boyd.
             Req: 1580 kc, 500 w, Day.
NEW, Lake Placid, N.Y.
 BP-13345
             WIRY, Inc.
             Req: 920 kc, 1 kw, Day.
 BP-13346
             KYSM, Mankato, Minn.
             Southern Minnesota Supply Co.
             Has: 1230 kc, 250 w, U.
             Req: 1190 kc, 500 w, 5 kw-LS, DA-
             2, U.
KNOM, Moberly, Mo.
 BP-13347
             Moberly Broadcasting Co.
             Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.
 BP-13348
             NEW, Santa Maria, Calif.
             Pacific Radio Co.
             Req: 1150 kc, 5 kw, DA-2, U.
             NEW, Grand Junction, Colo. G & P Enterprises.
 BP-13350
             Req: 1340 kc, 250 w, U.
 BP-13353
             WZRO, Jacksonville, Fla.
              Andrew B. Letson.
             Has: 1010 kc, 1 kw, Day (Jackson-
             ville Beach, Fla.).
Req: 1010 kc, 25 kw, DA, Day
(Jacksonville, Fla.).
 BP-13356
             KFLY, Corvallis, Oreg.
             Mid-Land Broadcasting Co.
             Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.
 BP-13357
              WCUM, Cumberland, Md.
             Alleghany County Broadcasting
              Corp.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.
 BP-13353
              NEW, Nicholasville, Ky.
              Jessamine Broadcasting Co.
              Req: 1250 kc, 500 w, Day.
WMFG, Hibbing, Minn.
 BP-13359
              Hibbing Broadcasting Co.
Has: 1240 kc, 250 w, U.
              Req: 1240 kc, 250 w, 1 kw-LS, U.
 Applications on which 309(b) letters have
                   been issued
 BP-13295
              WLCX, LaCrosse, Wis.
              LaCrosse Radio, Inc.
              Has: 1490 kc, 250 w, U
              Req: 1490 kc, 250 w, 1 kw-LS, U.
 BP-13349
              WUSJ, Lockport, N.Y.
              Lockport Union-Sun & Journal.
              Has: 1340 kc, 250 w, U.
              Req: 1340 kc, 250 w, 1 kw-LS, U.
 Application Deleted from Public Notice of
                  March 18, 1960
          (FCC 60-248) (25 F.R. 2440)
 BP-12804 NEW, Aurora, Mo.
              Galen O. Gilbert.
              Req: 940 kc, 500 w, Day.
      (Assigned new file number BP-13999.)
 Application Deleted from Public Notice of
                   April 11, 1960
           (FCC 60-354) (25 F.R. 3221)
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BP-13028

NEW, Vancouver, Wash.

Gordon A. Rogers. Req: 1550 kc, 1 kw, Day. (Assigned new file number BP-14146.)

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Application Deleted from Public Notice of
April 21, 1960
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(FCC 60-417) (25 F.R. 3686)

BP-13087 NEW, Englewood, Fla.
Sarasota-Charlotte Broadcasting
Corporation.
Req; 1580 kc, 500 w, Day.
(Assigned new file number BP-14211.)

[F.R. Doc. 60-7306; Filed, Aug. 4, 1960; 8:48 a.m.]

### FEDERAL POWER COMMISSION

[Docket No. CP60-92]

### SOUTHERN NATURAL GAS CO.

# Notice of Application; Consolidation of Proceedings and Date of Hearing

JULY 29, 1960.

Take notice that on April 29, 1960 Southern Natural Gas Company (Applicant) filed in Docket No. CP60-92 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to sell natural gas to Coastal Transmission Corporation (Coastal) for delivery to Houston Texas Gas and Oil Corporation (Houston Texas) and to construct and operate a line tap and a metering and regulating station requisite for such service. The gas will be delivered at a point in Washington Parish. Louisiana where Houston Texas' pipeline intersects the east leg of Applicant's south Louisiana supply system.

The proposal is more fully described in the application on file with the Commission and open to public inspection.

Applicant and Coastal have entered into a Precedent Agreement dated April 7, 1960 which contemplates the execution by the parties of a 20-year service agreement providing for the sale by Applicant and the purchase by Coastal of a specified quantity of gas, i.e., a Contract Demand of 12,600 Mcf per day at 14.73 psia. The gas is to be sold under Applicant's proposed Rate Schedule CDL-1 which will provide for the same demand and commodity charges as those contained in Applicant's Rate Schedule CD-1 for Rate Zone 1, as in effect at the effective date of the service agreement.

The estimated cost, i.e., \$32,385, of constructing the facilities will be defrayed from cash on hand.

The facilities required by Coastal to receive the gas are described in its application, as amended, in Docket No. G-18338.

This matter is related to the applications of Coastal Transmission Corporation, et al., Docket No. G-18338, et al.,¹ and should therefore be heard on a consolidated record therewith and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

<sup>&</sup>lt;sup>1</sup> Notices of the applications involved in Coastal Transmission Corporation, et al., Docket No. G-18338, et al., were previously published in 24 F.R. 10262 and 25 F.R. 2812.

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Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the matters involved in and the issues presented by the above-entitled application will be heard as a part of the consolidated hearing concerning the application of Coastal and related applications, which hearing is now in recess and is scheduled to reconvene on August 29, 1960, at 10:00 a.m., e.d.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure

(18 CFR 1.8 or 1.10) on or before August 19, 1960.

MICHAEL J. FARRELL, Secretary.

[F.R. Doc. 60-7266; Filed, Aug. 4, 1960; 8:45 a.m.]

[Docket Nos. RI61-17-RI61-25]

#### TIDEWATER OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Increased Rate To Become Effective Subject to Refund 1

JULY 29, 1960.

Tidewater Oil Company, Docket No. RI61-17; Tidewater Oil Company (Op-

erator), et al., Docket No. RI61-18; Getty Oil Company, Docket No. RI61-19; James A. Wood, Trustee (Operator), et al., Docket No. RI61-20; Everbright Oil Company, Docket No. RI61-21; J. M. Huber Corporation, Docket No. RI61-22; Robert G. Goelet, Docket No. RI61-23; The Pittston Company, Docket No. RI61-24; Pan American Petroleum Corporation. Docket No. RI-61-25.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. In each filing, the natural gas is sold at 14.65 psia, with the exception of The Pittston Company which is sold at 15.025 psia. The proposed changes are designated as follows:

						Effective	Data	Cents per Mcf		Rate in effect	
Docket No.	Respondent	Rate Sched. No.	Supp. No.	Purchaser and producing area	Notice of change dated—	Date tendered	date unless suspended	suspended	Rate in effect	Proposed increased rate	subject to refund in docket nos.
RI61-17	Tidewater Oil Co	50	10	El Paso Natural Gas Co. (Headlee Field, Ector and Midland Counties, Tex.).	6-28-60	6-30-60	1 7-31-60	12-31-60	15, 862	17. 0816	RI60-71
RI61-17	do	39	12		6-28-60	6-30-60	1 7-31-60	12-31-60	15.07036	15. 50174	RI60-71
RI61-17	do	4	8	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.).	62860	6-30-60	1 7-31-60	12~31–60	15, 89278	17. 11475	RI60-71
RI61-18	Tidewater Oil Com- pany (Operator), et al.	38	11	El Paso Natural Gas Co. (Langmat Field, Lea County, N. Mex.):	6-28-60	6-30-60	1 7-31-60	12-31-60	15. 07036	15. 50174	RI60-70
RI61-18	do	43	14	El Paso Natural Gas Co. (Blinbry, et al Fields, Lea County, N. Mex.).	6-28-60	6-30-60	1 7-31-60	12-31-60	15. 07036	15. 50174	R160-70
RI61-18	do	17	12	El Paso Natural Gas Co. (Spraberry Field, Glasscock, Midland, Upton	6-28-60	6-30-60	1 7-31-60	12-31-60	15. 93778	17, 1632	R160-70
RI61-19	Getty Oil Co	1	7	and Reagan Counties, Tex.). El Paso Natural Gas Co. (Dollarhide	6-28-60	6-30-60	1 7-31-60	12-31-60	15.89278	17. 11475	R160-72
RI61-20	James A. Wood, Trus- tee (Operator), et al.	1	4	Field, Andrews County, Tex.). Tennessee Gas Transmission Co. (North Ross Field, Starr County, Tex.).	6-27-60	7- 1-60	18- 1-60	1 1-61	15. 0952	* 17. 24347	G-20070
RI61-20	do	2	3	Tennessee Gas Transmission Co. (La Reforma Field, Starr County, Tex.).	6-27-60	7- 1-60	18- 1-60	1- 1-61	15. 0952	17. 24347	.G-20070
RI61-21	Everbright Oil Co	1	. 2		6-29-60	7- 1-70	18- 1-60	1- 1-61	15. 5	3 16. 5	
RI61-22	J. M. Huber Corp	25	2	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.).	6-29-60	6-30-60	1 7-31-60	12-31-60	15. 5	3 16. 5	<b></b>
RI61-23	Robert G. Goelet	1	-1	Tennessee Gas Transmission Co. (La Copita Field, Starr County, Tex.).	June, 60	7- 1-60	18-1-60	1- 1-61	12. 12268	17. 24347	
RI61-24	The Pittston Co	1	2	Kentucky-West Virginia Gas Co. (Buchanan, Wise, Russell and Dickenson Counties, Va.).	Undated	7- 1-60	18- 1-60	1 161	26. 25	30. 77	
RI61-25	Pan American Petroleum Corp.	169	9	Skelly Oil Co. (Panhandle Field, Carson County, Tex.).	6-29-60	7- 5-60	18- 5-60	8-6 -60	<b>11. 7518</b>	(Decrease.)	RI60-51

<sup>1</sup> The stated effective date is the first day after expiration of the required thirty days'

into a long-term contract.

liquid hydrocarbons.

Redetermined rate decrease due to redetermination of rate in the Panhandle Field by the Texas Railroad Commission.

Tidewater Oil Company and Getty Oil Company state that their proposed favored-nation rate increases were triggered by renegotiated rates for sales of natural gas to El Paso Natural Gas Company (El Paso) in the Permian Basin area which became effective subject to refund on or about June 1, 1960. In support of the increased rates, both producers state that the pricing provisions of their respective contracts were arrived at by arm's-length bargaining and constitute an integral part of the consideration upon which the contracts are based; that such provisions protect sellers from price discrimination; and that the proposed rates are fair and reasonable.

In support of their proposed favorednation rate increases, James A. Wood, Trustee (Operator) et al. (Wood) and Robert G. Goelet (Goelet) each submit a notification letter dated March 10, 1960, wherein Tennessee Gas Transmission Company advises sellers that it is now paying a rate of 17.24347 cents per Mcf for dry gas in the favored-nation area specified in the gas sales contracts. Wood states that its contracts resulted from bargaining at arm's length; the pricing arrangement responsible for the increased rate is common to many longterm contracts in order to permit the initial delivery of gas at a price lower than the contemplated actual price for the life of the contracts; and without such pricing arrangement seller would not have contracted for such an extended term. Goelet cites arm's-length bargaining and states the favored-nation provision was designed to insure seller the fair market value of the gas over the life of the contract and was an es-

sential inducement to Goelet to enter

In support of their proposed renegotiated rate increases, Everbright Oil Company states that the increased price will not exceed the value of gas in the area in which the properties covered by the contract are situated, and H. M. Huber Corporation cites the contractual provisions and states that a similar change in rate was accepted by the Commission under Sunray Mid-Continent Oil Company's FPC Gas Rate Schedule No. 152.

The Pittston Company's (Pittston) proposed spiral escalation rate increase of 30.77 cents per Mcf is based upon pipeline tariff rates which are now in effect subject to refund. Pittston, in support of its increased rate, recites the applicable contractual provision, with no supporting statement.

Pan American Petroleum Corporation's (Pan American) previously rede-

Includes 2.0 cents per Mcf for compression deducted by F; O. Penn.

Renegotiated rate increase due to seller relinquishing his rights to process gas for

<sup>&</sup>lt;sup>1</sup> This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

termined rate of 11.7518 cents per Mcf is in effect subject to refund. Its now proposed redetermined decrease in rate to 11.3057 cents per Mcf should be suspended for one day from August 5, 1960, the date of expiration of the thirty days statutory notice.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 169 be allowed to take effect August 6, 1960, subject to refund upon the timely filing of its respective agreement and undertaking, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Supplement No. 9 to Pan American's FPC Gas Rate Schedule No. 169 shall be effective as of August 6, 1960: Provided, however, That within 20 days from the date of the issuance of this order, Pan American shall execute and file under Docket No. RI61-25 with the Secretary of the Commission its respective agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulationsthereunder (prescribed by Order 215 and 215A), signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Pan American is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 12, 1960.

By the Commission (Commissioner Kline dissenting).

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 60-7268; Filed, Aug. 4, 1960; 8:45 a.m.]

[Docket Nos. G-20509, RP60-15]

### SOUTHERN NATURAL GAS CO.

Order Accepting for Filing Substitute Tariff Sheets, Consolidating Proceedings, and Requiring Filing of Substitute Tariff Sheets

JULY 29, 1960.

On July 18, 1960, Southern Natural Gas Company (Southern) tendered for filing Substitute Original Sheets Nos. 5, 9, 12, 16, 19, 23, 27 and 30 to its FPC Gas Tariff, Sixth Revised Volume No. 1. reflecting appropriate reductions in the rates and charges contained in Southern's FPC Gas Tariff, Sixth Revised Volume No. 1, which were disallowed by the Commission's order issued July 8, 1960 in Docket No. G-20509. The reduced rates and charges are based upon a composite 6.52 percent rate of return. Southern also complied with the other requirements in paragraph (C) of the above-mentioned order.

The above-mentioned filing by Southern was in response to an interim rate order issued by the Commission on July 8, 1960 in Docket No. G-20509 determining that 61/2 percent is the proper rate of return to be allowed Southern on its pipeline properties but reserving the question as to the propriety of a 7 percent rate of return for Southern's production properties for final disposition in the next phase of that proceeding. For purposes of the interim rate order a composite 6.52 percent rate of return applicable to both production and pipeline properties composed of the 61/2 percent on pipeline and the claimed 7 percent on production properties was used. Southern was permitted by said order to file appropriate substitute tariff sheets containing lower rates and charges satisfactory to the Commission reflecting the composite 6.52 percent rate of return.

Southern on June 2, 1960, tendered for filing First Revised Sheets Nos. 5, 9, 12, 16, 19, 23, 27, and 30 to its FPC Gas Tariff, Sixth Revised Volume No. 1, providing for an annual increase in its rates and charges of \$1,312,000 or 1.3 percent. The proposed increased rates would be in addition to the increased rates subject to hearing in Docket No. G-20509. Southern stated that the increased rates are designed solely to reflect an increase in purchased gas costs resulting from the increased rates filed by United Gas Pipe Line Company (United) which were suspended until August 13, 1960, by order of the Commission issued March 10, 1960, in Docket

No. RP60-2. By order issued July 1, 1960, in Docket No. RP60-15, the Commission suspended the proposed increased rates and charges until August 13, 1960 and until such further time as the increased rate and charge proposed by United may become effective subject to refund in Docket No. RP60-2, and until such further time as the revised tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

Since Southern in its rate filing in Docket No. RP60-15 relies on the identical costs submitted in Docket No. G-20509, except for increased purchased gas costs resulting from United's filing, it appears appropriate and in the public interest to consolidate for hearing the proceedings in Docket Nos. G-20509 and RP60-15

Moreover, in view of the Commission action taken in Docket No. G-20509 disallowing Southern's proposed increased rates and permitting Southern to file substitute tariff sheets containing lower rates satisfactory to the Commission based on a composite 6.52 percent rate of return for purposes of an interim rate order, it also appears to be appropriate and in the public interest to disallow the proposed increased rates and charges contained in First Revised Sheets 5, 9, 12, 16, 19, 23, 27 and 30 to Southern's FPC Gas Tariff, Sixth Revised Volume No. 1, and to permit Southern to file in lieu thereof substitute tariff sheets containing lower rates satisfactory to the Commission based on a composite 6.52 percent rate of return in Docket No. RP60-15.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and good cause exists to consolidate the proceedings in Docket No. G-20509 and RP60-15 for the purpose of hearing.

(2) Substitute Original Sheets Nos. 5, 9, 12, 16, 19, 23, 27 and 30 to Southern's FPC Gas Tariff, Sixth Revised Volume No. 1 should be accepted for filing and allowed to become effective as of June 1, 1960 subject to investigation, hearing and further orders of the Commission in Docket No. G-20509.

(3) The fair, just and reasonable rate of return to be allowed Southern in Docket No. RP60-15 with respect to its pipeline properties is 61/2 percent; and the overall rate of return to be allowed Southern for the purpose of this interim order, based on said 61/2 percent rate of return on its pipeline properties and the 7 percent rate of return on its production properties contained in its filing in this proceeding, is 6.52 percent; subject however, to final disposition of the related issues as to accumulated deferred taxes and tax benefits for statutory depletion and intangible well drilling expenses, and final determination of the fair, just and reasonable rate of return to be allowed Southern with respect to its production properties.

(4) The proposed increased rates filed by Southern in Docket No. RP60-15 contained in First Revised Sheets Nos. 5, 9, 12, 16, 19, 23, 27 and 30 to its FPC Gas Tariff, Sixth Revised Volume No. 1, are excessive and should be disallowed. 7414 NOTICES

(5) Southern should be permitted to file substitute lower rates satisfactory to the Commission in Docket No. RP60-15, based on 6.52 percent rate of return to become effective subject to refund as of August 13, 1960 or such later date as the increased rates and charges proposed by United may become effective subject to refund in Docket No. RP60-2, upon acceptance by the Commission and filing by Southern of its motion to make such rates effective and an undertaking to assure refund of excess charges.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15 and 16 thereof, and the Commission's rules and regulations (18 CFR Ch. I), the proceedings in Docket Nos. G-20509 and RP60-15 be and the same hereby are consolidated for the purpose of hearing.

(B) Substitute Original Sheets Nos. 5, 9, 12, 16, 19, 23, 27 and 30 to Southern's FPC Gas Tariff, Sixth Revised Volume No. 1, are hereby accepted for filing and allowed to become effective as of June 1, 1960, subject to investigation, hearing and further orders of the Commission in Docket No. G-20509.

(C) Southern's increased rates contained in First Revised Sheets Nos. 5, 9, 12, 16, 19, 23, 27 and 30 to its FPC Gas Tariff, Sixth Revised Volume No. 1, which are under suspension in Docket No. RP60-15, are hereby disallowed.

(D) Southern may file, in lieu of the tariff sheets disallowed by paragraph (C) above, on or before August 8, 1960, appropriate substitute tariff sheets to its FPC Gas Tariff, Sixth Revised Volume No. 1, containing lower rates satisfactory to the Commission based on 6.52 percent rate of return as provided in Finding (3) hereof. Southern shall accompany its substitute filing with supporting data showing the computation of such lower rates. Southern shall also accompany its substitute tariff sheets and supporting data with a certificate showing service of copies thereof on all purchasers under the rate schedules involved, interveners and interested state commissions.

(E) Upon acceptance of such filing of substitute rates as satisfactory to the Commission as provided in paragraph (D), and upon filing by Southern of its motion to make such substitute rates effective as required by section 4(e) of the Natural Gas Act, and upon execution by Southern of the agreement and undertaking described in paragraph (F) below and acceptance thereof, evidenced by a letter addressed to Southern by the Secretary of the Commission, the rates, charges, and classifications set forth in the above substitute tariff sheets to FPC Gas Tariff, Sixth Revised Volume No. 1, shall be effective as of August 13, 1960, or such later date as the increased rates and charges proposed by United may become effective subject to refund in Docket No. RP60-2, subject to investigation, hearing and further orders of the Commission in Docket No. RP60-15.

(F) Southern shall refund at such times and in such amounts to persons entitled thereto, and in such manner as

may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in the proceeding in Docket No. RP60-15 not justified, together with interest thereon at 7 percent per annum from the date of payment to Southern until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of August 13, 1960, or such later date as provided in Paragraph (E), for each billing period, specifying by whom and whose behalf such amounts were paid; and shall report (original and four copies) in writing and under oath, to the Commission monthly, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such customers and the revenues resulting therefrom as computed under the rates in effect immediately prior to the effective date provided herein, and under rates and charges allowed by this order to become effective. together with the differences in the revenues so computed.

(G) Southern shall in compliance with the terms of paragraph (E) above execute and file with the Secretary of this Commission, at the same time it files the above-described substitute tariff sheets, its written agreement and undertaking to comply with the terms of paragraph (F) above, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved, as follows:

Agreement and Undertaking of Southern Natural Gas Company To Comply With Terms and Conditions of Paragraph (F) of Federal Power Commission's Order Making Effective Proposed Tariff Changes

In conformity with the requirements of the order issued \_\_\_\_\_\_\_, 1960, in Docket No. RP60-15, Southern Natural Gas Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (F) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this \_\_\_\_ day of \_\_\_\_\_\_, 1960.

SOUTHERN NATURAL GAS COMPANY By \_\_\_\_\_Attest:

(H) If Southern shall, in conformity with the terms and conditions of paragraph (F) of this order, make refunds as may be required by order of the Commission, the undertaking of Southern

shall be discharged, otherwise it shall remain in full force and effect.

Secretary.

(I) The substitute tariff sheets accepted for filing in Docket No. G-20509 in paragraph (B) of this order and the substitute tariff sheets permitted to be filed in Docket No. RP60-15 by paragraph (D) of this order are subject to the suspension orders issued on December 24, 1959, in Docket No. G-20509 and July 1, 1960, in Docket No. RP60-15 and this order is

without prejudice to further hearings in these consolidated proceedings on all other issues not herein or heretofore decided and to such further order or orders as the Commission may issue in the disposition of these consolidated proceedings.

By the Commission.

MICHAEL J. FARRELL, Acting Secretary.

[F.R. Doc. 60-7267; Filed, Aug. 4, 1960; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

# FOR RELIEF

AUGUST 2, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 36455: Cast iron pipe—Birmingham, Ala., to St. Louis, Mo. Filed by O. W. South, Jr., Agent (SFA No. A4000), for interested rail carriers. Rates on cast iron pipe and fittings, as described in the application, in carloads, from Birmingham, Ala., and group points, to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Market competition.

Tariff: Supplement 37 to Southern Freight Association tariff I.C.C. S-6.

FSA No. 36456: Substituted service— L&N and Monon for Wilson Truck Company, Inc. Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 23), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, (1) between Evansville and Hammond, Ind., Nashville, Tenn., and East St. Louis, Ill., on the one hand, and Atlanta, Ga., and Chattanooga, Tenn., on the other, (2) between Evansville and Hammond, Ind., and East St. Louis, Ill., on the one hand, and Nashville, Tenn., on the other, (3) between Chattanooga, Tenn., and Atlanta, Ga., and (4) between East St. Louis, Ill., and Evansville, Ind.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 220.

FSA No. 36457: Brick from Ohio points to Virginia points. Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2550), for interested rail carriers. Rates on brick and related articles, as described in the application, in carloads, from specified B&ORR stations in Ohio, to Southern Railway stations in Virginia.

Grounds for relief: Restore rate relationship.

Tariff: Supplement 46 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4669 (Hinsch series).

FSA No. 36458: Substituted service— L&N and Monon for Jones Truck Lines, Inc. Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 22), for interested carriers. Ratès on property loaded in trailers and transported on railroad flat cars between Hammond, Ind., and Memphis, Tenn., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck com-

petition.

Tariff: Supplement 8 to Central and Southern Motor Freight Tariff Association, Incorporated tariff MF-I.C.C. 220.

FSA No. 36459: Sand and gravel—Dickason Pit and Standard Pit, Ind., to Altamont, Ill. Filed by Illinois Freight Association, Agent (No. 111), for the Chicago & Eastern Illinois Railroad Company. Rates on sand and gravel, as described in the application, in carloads, from Dickason Pit and Standard Pit, Ind., to Altamont, Ill.

Grounds for relief: Motor-truck com-

petition.

Tariff: Supplement 137 to Chicago & Eastern Illinois Railroad Company's tariff I.C.C. 144.

FSA No. 36430: Sulphyr—Texas, Louisiana, and Hobbs, N. Mex., to central territory. Filed by Southwestern Freight Bureau, Agent (No. B-7862), for interested rail carriers. Rates on sulphur, crude, in carloads, and molten sulphur, in tank-car loads, from points in Texas and Louisiana, and Hobbs, N. Mex., to specified points in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia. Grounds for relief: Short-line distance formula.

Tariff: Supplement 155 to Southwestern Freight Bureau tariff I.C.C. 4177.

FSA No. 36461: Newsprint—Calhoun, Tenn., to Virginia points. Filed by O. W. South, Jr., Agent (SFA No. A3999), for interested rail carriers. Rates on newsprint paper, in carloads, from Calhoun, Tenn., to Norfolk, Newport News and Richmond, Va.

Grounds for relief: Foreign waterborne competition.

Tariff: Supplement 38 to Southern Freight Association tariff I.C.C. S-46.

FSA No. 36462: T.O.F.C. Service—Between official territory and Madison, Wis. Filed by Western Trunk Line Committee, Agent (No. A-2137), for interested carirers. Rates on various commodities moving on class rates loaded in highway trailers and transported on railroad flat cars between points in official territory, on the one hand, and Madison, Wis., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 35 to Western Trunk Line Committee tariff I.C.C. A-4281.

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-7785; Filed, Aug. 4, 1960; 8:47 a.m.]

# MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice 359]

AUGUST 2, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63340. By order of July 29, 1960, The Transfer Board approved the transfer to Cloverleaf Garage, Inc., Michigan City, Ind., of Certificate No. MC 116964, issued April 15, 1958, to Kendrick C. Harvey, doing business as Cloverleaf Garage, Michigan City, Ind., authorizing the transportation of: Used tractors, in secondary movements, in truckaway service, to be used as replacements for wrecked or disabled tractors, wrecked and disabled motor vehicles, and motor vehicle parts, accessories, supplies and materials used in connection with the repairing or reconditioning of damaged, disabled, or wrecked motor vehicles, trailers, and semi-trailers, between points in Illinois, Indiana, Ohio, Michigan, and Kentucky. William N. Kenefick, 2222 East Michigan, Michigan City, Ind., for applicants.

No. MC-FC 63341. By order of July 29, 1960. The Transfer Board approved the transfer to Colonial Express, Inc., Rutherford, N.J., of Certificate in No. MC 66349, issued December 2, 1940, to Joseph E. Kropkowski, doing business as Colonial Express, Rutherford, N.J., authorizing the transportation of: General commodities, with the usual exceptions including household goods, and commodities in bulk, between points in Bergen, Essex, Hudson, Middlesex. Morris, Somerset, Union, and Passaic Counties, N.J., on the one hand, and, on the other, New York, N.Y. Bernard'F. Flynn, Jr., 1060 Broad St., Newark 2, N.J., for applicants.

No. MC-FC 63344. By order of July 29, 1960, The Transfer Board approved the transfer to T. J. Reynolds and T. F. Reynolds, a partnership, doing business as Reynolds Truck Service, Verdi, Minn., of Certificate in No. MC 92157, issued March 17, 1950, to T. J. Reynolds and Harvey Reynolds, a partnership, doing business as Reynolds Bros., Verdi. Minn., authorizing the transportation of: Livestock, grain, hay, straw, building materials, fence posts, fence materials, emigrant movables, and honey, from, to. or between specified points in Minnesota, Iowa, and South Dakota. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

No. MC-FC 63448, By order of July 29, 1960. The Transfer Board approved the transfer to Oil-Ways Co., A Corporation, Nutley, New Jersey, of Permits in Nos. MC 105997 and MC 105997 Sub 4, issued October 26, 1945, and September 7, 1948, to George B. Harris, Sr., and George B. Harris, Jr., a partnership, doing business as Oil-Ways Co., Nutley, New Jersey, which authorize the transportation of denatured alcohol and denatured alcohol solvents, in bulk, in tank trucks, from Yonkers, N.Y., and Newark, N.J., to points in New York, New Jersey, Connecticut, and Pennsylvania within 150 miles of Newark, N.J., and rejected shipments on return trip; solvents, except denatured alcohol solvents, in shipments not exceeding 2,500 gallons, in bulk, in tank trucks, from Newark, N.J., to points in New York, Connecticut, and Psnnsylvania within 150 miles of Newark, and synthetic resin, ester gum solutions, and tall oil, crude and esterified, in bulk, in tank trucks, from Newark to points in New York and Pennsylvania within 150 miles of Newark. John M. Zachara, P.O. Box 2860, Paterson 28; N.J.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-7286; Filed, Aug. 4, 1960; 8:47 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3893]

### COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Execution of Surety Bond by Holding Company for Public Utility Subsidiary

JULY 29, 1960.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction, which is summarized as follows:

Cumberland and Allegheny Gas Company ("Cumberland"), a wholly-owned gas utility subsidiary company of Columbia, has filed with the Public Service Commission of West Virginia ("West Virginia Commission"), an application for increased gas rates estimated to produce increased annual revenues of approximately \$896,000. The West Virginia Commission, by order issued on March 22, 1960, suspended collection of Cumberland's proposed rates until August 17, 1960 when, under applicable West Virginia law, Cumberland may commence collection of the higher rates provided for in the rate filing subject to the obligation to refund with interest, any portion of the higher rates which may ultimately be determined to be excessive. The West Virginia Commission may, and customarily does, require the posting of a bond as security for the obligation to refund and it has indicated its willingness to accept Columbia as surety. Columbia, therefore, proposes to act as surety on a bond not to exceed \$150,000 without fee or other charges to Cumberland in order to relieve Cumberland of paying the customary fee of an insurance company. In the event any portion of the increased rates should ultimately be determined to be excessive Cumberland will make refunds in the ordinary course of business out of its general corporate funds.

It is estimated that the fees and expenses to be incurred in connection with the proposed transaction will be limited to \$100 payable by Cumberland for services of the Columbia Gas System Service Corporation rendered primarily in connection with the present filing.

The declaration states that, other than for the acceptance of the proposed surety bond by the West Virginia Commission, no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 15, 1960, at 5:30 p.m., request this Commission in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F.R. Doc. 60-7270; Filed, Aug. 4, 1960; 8:45 a.m.]

### SMALL BUSINESS ADMINISTRA-TION

[Delegation of Authority 1 (Rev. 5)]

# DEPUTY ADMINISTRATOR FOR ADMINISTRATION

## Delegation Relating to Administration and Size Standards

1. Pursuant to the authority vested in the Administrator by the Small Business Act (Pub. Law 85-536) as amended (Pub. Law 85-699); the Small Business Investment Act of 1958 (Pub. Law 85-699); as amended (Pub. Law 86-502); Reorganization Plan No. 2 of 1954, dated April 29, 1954 (83d Cong., 2d Sess.); Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.); and the

Memorandum of Understanding, dated October 19, 1956, as amended, between the Secretary of the Interior and the Administrator of the Small Business Administration (Pursuant to section 4 of the Fish and Wildlife Act of 1956, 70 Stat. 1119, 1121), relating to the Fisheries Loan Fund, there is hereby delegated to the Deputy Administrator for Administration the authority:

A. Administration. 1. To give final approval to all personnel actions for the Small Business Administration and to administer Oaths of Office.

2. To establish and classify all positions subject to the Classification Act of 1949, as amended, in grades GS-1 to GS-15, and to establish salary rates for employees excluded from the Act.

3. To give final approval to non-substantive changes in all SBA Manuals.

- 4. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services.
- 5. To effect the disposition of official records of SBA.
- 6. To authorize or approve (a) his personal travel, (b) the travel of employees under the supervision of the Deputy Administrator for Administration, (c) travel where actual subsistence expenses are requested, and (d) travel requiring special authorization or approval not delegated to other officials.

7. To approve advanced sick leave and leave without pay, in excess of 30 days, for employees of SBA.

8. To approve annual and sick leave, leave without pay, and overtime work for employees under his supervision.

9. To give final approval to all SBA forms.

10. To give security clearance to applicants and employees of SBA where the security investigation discloses (a) no derogatory information, (b) derogatory information which would not warant processing the case under provisions of section 1000.067 of SBA-100, Administrative Manual, and (c) derogatory information, but the Deputy Administrator for Administration and the Security Officer are in agreement that the derogatory information is insufficient to warrant suspension or termination in the case of an employee, or denial of clearance in the case of an applicant.

11. To approve the allotment of appropriated funds for specific programs, functions, activities, and organizational units of SBA.

12. To release, or consent to the release of, collateral documents held in connection with loans transferred as a result of Reorganization Plan No. 1 of 1957, dated April 29, 1957, effective at the close of June 30, 1957.

13. To release promissory notes on (a) SBA and disaster loans paid in full and (b) loans transferred to the Department of Justice for liquidation.

14. To approve bonds and fix the indemnities thereof.

15. To determine amounts due and make payments to the Civil Service Commission and the Department of Labor for retirement and employee's compensation accounts as required by section 206(b) of the Small Business Act.

16. To approve advance of funds for official travel and to take appropriate actions to assure that amounts advanced are deducted from allowable expenses or are otherwise recovered.

17. To approve and issue accounting and fiscal instructions.

18. To authorize expenditures for registration fees not in excess of \$25.00 for each registration for all Washington employees except the Deputy Administrators.

19. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 363, dated March 10, 1959 (24 F.R. 1921, 2096), from the Administrator of the General Services Administration to the Small Business Administration.

20. To approve out-service training for SBA employees and authorize expenditures incidental to such training.

21. To effectuate an adequate property utilization and accountability program on an agency-wide basis.

B. Size standards. To take any and all actions necessary to develop appropriate small business size standards and criteria and to recommend to the Administrator appropriate size standards regulations.

C. Correspondence. 1. To sign all correspondence, except correspondence addressed to Members of Congress, relating to the functions of the Deputy Administrator for Administration.

2. To sign correspondence addressed to staff members of Congressional Committees.

II. The specific authorities delegated in I.A.3, I.A.6 (a), (c) and (d), 10(c), 18 and 20 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for Administration.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for Administration is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Dated: June 27, 1960.

PHILIP McCallum,
Administrator.

[F.R. Doc. 60-7272; Filed, Aug. 4, 1960; 8:45 a.m.]

[Delegation of Authority 6]

### DIRECTOR, OFFICE OF SMALL BUSI-NESS SIZE STANDARDS

### Delegation Relating to Size Standards

I. Pursuant to the authority delegated to the Deputy Administrator for Administration by the Administrator, Delegation of Authority No. 1 (Rev. 5), dated June 27, 1960, there is hereby redelegated to the Director; Office of Small Business Size Standards, the authority:

A. Size standards. To take any and all actions necessary to develop appropriate small business size standards and criteria and to recommend to the Administrator appropriate size standards regulations.

B. Administration. 1. To authorize and approve (a) his personal travel and (b) travel of Washington Office employees under his supervision, except travel when actual subsistence expenses are requested.

2. To approve (a) sick and annual leave, except advance sick leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for em-

ployees under his supervision.

C. Correspondence. To sign all nonpolicy-making correspondence, except correspondence addressed to Members of Congress, relating to the functions of the Office of Small Business Size Standards.

II. The specific authorities delegated

herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director of the Office of Small Business Size Standards.

Dated: June 27, 1960.

ROBERT H. MONTGOMERY. Deputy Administrator.

[F.R. Doc. 60-7273; Filed, Aug. 4, 1960; 8:45 a.m.]

[Delegation of Authority 10 (Rev. 4)]

### DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE

### **Delegation Relating to Financial** Assistance

- I. Pursuant to the authority vested in the Administrator by the Small Business Act (Pub. Law 85-536), as amended (Pub. Law 85-699); Reorganization Plan No. 2 of 1954, dated April 29, 1954, (83d Cong., 2d Sess.); Reorganization Plan No. 1 of 1957, dated April 29, 1957, (85th Cong., 1st Sess.); and the Memorandum of Understanding, dated October 19, 1956, as amended, between the Secretary of the Interior and the Administrator of the Small Business Administration (pursuant to sec. 4 of the Fish and Wildlife Act of 1956, 70 Stat. 1119, 1121), relating to the Fisheries Loan Fund, there is hereby delegated to the Deputy Administrator for Financial Assistance the authority:
- A. Financial assistance. 1. To approve or decline business and disaster loan applications, and to execute authorizations and modifications pertaining to such loans.
- 2. To approve amendments of loan authorizations in loans that: (a) have, or (b) have not been fully disbursed.

3. To determine eligibility of loan applicants within the framework of prior

determinations.

4. To accept for processing disaster loan applications received after expiration of the six months disaster period.

- 5. To approve or decline deferment until final maturity of a loan any install-'ment of principal due on such loan within one month of final disbursement of such loan.
- 6. To declare disaster areas in order to carry out the provisions of section 7(b) (1) of the Small Business Act. as amended, if such action is necessary during any period when the Administrator is in leave or travel status.
- 7: To take all necessary actions in

tration, collection, and liquidation of partially or fully disbursed loans, other obligations and acquired property but is not authorized:

a. To sell any primary obligation or other evidence of indebtedness owned to the Agency for a sum less than the total amount due thereon.

b. To accept or reject a compromise settlement of an indebtedness owned to the Agency for a sum less than the total amount due thereon.

c. To exercise any rights under the "Management Agreement" clause of a

Loan Agreement.

d. To deny liability of the Small Business Administration under the terms of a participation agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participating agreement.

B. Size determination. To determine for the purpose of the programs for which he is responsible the concerns which are small businesses within the meaning of this agency's Small Business

Size Standards Regulation.

C. Administration. 1. To authorize or approve his (a) personal travel and (b) the travel of Washington office employees under his supervision, except travel when actual subsistance expenses are requested.

2. To approve (a) sick and annual leave, except advance sick leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employ-

ees under his supervision.

3. To authorize his personal expenditures for registration fees not in excess of \$25.00 for each registration.

D. Correspondence. To sign all correspondence, except Congressional correspondence, relating to the financial assistance program.

dele-II. The specific authority gated in subsections I.A.6, I.B.1. and I.C.3. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for Financial Assistance.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for Financial Assistance (Delegation of Authority No. 10 (Rev. 3) as amended, 23 F.R. 2627, 8435) is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Effective date: June 27, 1960.

PHILIP McCallum. Administrator.

[F.R. Doc. 60-7274; Filed, Aug. 4, 1960; 8:45 a.m.]

[Delegation of Authority 20 (Rev. 4)]

### **DEPUTY ADMINISTRATOR FOR PRO-**CUREMENT AND TECHNICAL **ASSISTANCE**

**Delegation Relating to Procurement** and Technical Assistance, Management Research Assistance, and Size Standards and Size Determinations

1. Pursuant to the authority vested in connection with the servicing, adminis- the Administrator by the Small Business sary to carry out SBA's authority for

Act (Pub. Law 85-536), as amended (Pub. Law 85-699); the Small Business Investment Act of 1958 (Pub. Law 85-699), as amended (Pub. Law 86-502): Reorganization Plan No. 2 of 1954, dated April 24, 1954 (83d Cong., 2d Sess.) and Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.), there is heleby delegated to the Deputy Administrator for Procurement and Technical Assistance, the authority:

A. Procurement and technical assistance. 1. To take any and all actions relating to SBA prime contracting authority.

- 2. To (a) enter into, (b) negotiate, and (c) recommend approval of joint agreements and memoranda of understanding with other government contracting procurement or disposal agencies.
- 3. To take any and all necessary actions to carry out the provisions of joint agreements and memoranda of understanding with other government contracting procurement or disposal agencies.
- 4. To appeal determinations made under joint agreements or memoranda of understanding by Government contracting procurement and disposal agencies to the heads of such agencies.
- 5. To take any and all necessary actions relating to matters involving Certificates of Competency, including the issuance or denial of such Certificates.
- 6. To take any and all actions necessary to carry out SBA's authority to make a complete inventory of all productive facilities of small business concerns.
- 7. To take any and all actions necessary to carry out SBA's authority to utilize effectively the productive facilities of small business concerns.
- 8. To take any and all actions necessary to carry out SBA's authority to encourage the letting of subcontracts by prime contractors to small business con-
- 9. To take any and all actions necessary to carry out SBA's authority to enable small business to obtain materials from its normal sources.
- 10. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of the total sales of Government property be made to small business concerns.
- 11. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of Government contracts for research and development be placed with small business concerns and to assist small business concerns to obtain the benefits of research and development performed under Government contracts or at Government expense.
- 12. To take any and all actions necessary to carry out SBA's authority to insure that a fair proportion of the total Government procurements be made from small business.
- 13. To take any and all action relating to the appraisal of collateral offered to SBA on those loans for which an SBA appraisal or reappraisal is requested.
- 14. To take any and all actions neces-

assistance in the development of industrial potential in surplus labor areas.

B. Size determination. 1. To determine, for the purpose of the program for which he is responsible, the concerns which are small businesses within the meaning of this agency's Small Business Size Standards Regulation,

2. To issue, deny, revoke and amend Small Business Certificates in accordance with this Agency's Size Standards'

Regulation.

- C. Management research assistance. 1. To take any and all actions relating to SBA grants, including recommendations as to the issuance of grants but excluding final determinations.
- 2. To execute agreements for SBA grants.
- D. Administration. 1. To authorize and approve (a) his personal travel and (b) travel of Washington office employees under his supervision, except travel when actual subsistence expenses are requested.
- 2. To approve (a) sick and annual leave, except advance sick leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

3. To authorize his personal expenditures for registration fees not in excess

of \$25 for each registration.

E. Correspondence. To sign all correspondence, except correspondence addressed to Members of Congress, relating to the Procurement and Technical Assistance Program and the Management Research Assistance Program.

II. The specific authority delegated in subsections I.A. 2 (a) and (c), I.A. 4, I.B. 1, I.B. 2, and I.D. 3, may not be re-

delegated.

III. All authorities delegated herein may be exercised by any employee of SBA designated as Acting Deputy Administrator for Procurement and Technical Assistance.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for Procurement and Technical Assistance in Delegation of Authority No. 20 (Rev. 3), as amended (23 F.R. 1819, 8223, 8435), is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Effective date: June 27, 1960.

PHILIP McCallum, Administrator.

[F.R. Doc. 60-7275; Filed, Aug. 4, 1960; 8:45 a.m.]

> [Delegation of Authority 27 (Rev. 3, Amdt. 1)]

### DIRECTOR, OFFICE OF ECONOMIC **ADVISER**

### Delegation Relating to the Office of **Economic Adviser**

Delegation of authority No. 27 (Rev. 3) (23 F.R. 8223) is hereby amended by:

- 1. Deleting paragraphs I.A.1. and 2. without prejudice to actions taken thereunder.
- 2. Redesignating paragraphs I.A.3. and 4. as paragraphs I.A.1. and 2. respectively.

lieu thereof new Part II as follows:

II. The authorities delegated in I.A.1. (b) and (c), and 2. herein may not be redelegated.

Dated: June 27, 1960.

PHILIP McCallum. Administrator.

[F.R. Doc. 60-7276; Filed, Aug. 4, 1960; 8:45 a.m.]

[Delegation of Authority 28 (Rev. 1)]

### DELEGATION RELATING TO THE OF-FICE OF MANAGEMENT & RE-SEARCH ASSISTANCE

Notice is hereby given that Delegation of Authority No. 28 (Rev. 1) (24 F.R. 4896) and all redelegations thereunder not published in the Federal Register, and Delegation of Authority No. 28-1c (Rev. 1) (24 F.R. 4896) are hereby rescinded without prejudice to actions taken thereunder prior to the date hereof.

Dated: June 27, 1960.

PHILIP McCallum, Administrator.

[F.R. Doc. 60-7277; Filed, Aug. 4, 1960; 8:46 a.m.]

[Delegation of Authority 30 (Rev. 6) Amdt. 1]

#### REGIONAL DIRECTORS

### Delegation Relating to Financial Assistance, Investment Program, Procurement and Technical Assistance, and Administration

Delegation of Authority No. 30 (Rev. 6) is hereby amended by deleting subsection I.E.1, and substituting in lieu thereof the following new subsection

1. To determine, for the purpose of the programs for which they are responsible, the concerns which are small businesses within the meaning of this agency's Small Business Size Standards Regulation, provided, however, that no determinations shall be made which involve protests of the size status of apparently successful bidders; requests for Small Business Certificates; requests for reconsideration of size determinations made in the Washington office, and appeals.

Dated: June 27, 1960.

PHILIP McCallum, Administrator.

[F.R. Doc. 60-7278; Filed, Aug. 4, 1960; 8:46 a.m.]

[Delegation of Authority 44]

### SIZE APPEALS BOARD

### Delegation Relating to Appeals on Size Determinations

I. Pursuant to the authority vested in the Administrator by the Small Business Act (Pub. Law 85-536), as amended (Pub. Law 85-699); the Small Business Invest-

3. Deleting Part II and substituting in ment Act of 1958 (Pub. Law 85-699), as amended (Pub. Law 86-502); Reorganization Plan No. 2 of 1954, dated April 24, 1954, (83d Cong., 2nd Sess.) and Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.), there is hereby delegated to the Size Appeals Board, the authority: To decide appeals from administrative rulings that concerns are not small businesses within the meaning of the Small Business Size Standards Regulation, as amended.

II. The authority delegated herein

may not be redelegated.

III. The authority delegated herein may be exercised when at least three members, regular or acting, participate in such actions.

Dated: June 27, 1960.

PHILIP McCallum. Administrator.

[F.R. Doc. 60-7279; Filed, Aug. 4, 1960; 8:46 a.m.]

[Delegation of Authority 44-1]

### SECRETARY OF THE SIZE APPEALS BOARD

### Delegation Relating to Appeals on Size Determinations

I. Pursuant to the authority vested in the Administrator by the Small Business Act (Pub. Law 85-536), as amended (Pub. Law 85-699); the Small Business Investment Act of 1958 (Pub. Law 85-699), as amended (Pub. Law 86-502); Reorganization Plan No. 2 of 1954, dated April 24, 1954 (83d Cong., 2d Sess.) and Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.), there is hereby delegated to the Secretary of the Size Appeals Board, the authority:

A. Size determinations. To certify any action taken by the Size Appeals Board.

B. Correspondence. To sign all correspondence, other than Congressional correspondence, of actions taken by the Size Appeals Board and correspondence requesting additional information which may be required in connection with pending size determination appeals.

II. The authority delegated herein

may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting Secretary, Size Appeals Board.

Dated: June 27, 1960.

PHILIP McCallum. Administrator.

[F.R. Doc. 60-7280; Filed, Aug. 4, 1960; 8:46 a.m.]

[Delegation of Authority 50 (Rev. 3)]

### DEPUTY ADMINISTRATOR FOR THE INVESTMENT DIVISION

### **Delegation Relating to the Investment** Program

I. Pursuant to the authority vested in the Administrator by the Small Business Investment Act of 1958 (Pub. Law 85-699), as amended (Pub. Law 85-502); the Small Business Act (Pub. Law 85-536), as amended (Pub. Law 85-699):

Reorganization Plan No. 2 of 1954, dated April 29, 1954 (83d Cong., 2d Sess.); and Reorganization Plan No. 1 of 1957, dated April 29, 1957 (85th Cong., 1st Sess.), there is hereby delegated to the Deputy Administrator for the Investment Division the authority:

A. Investment. To take any and all actions necessary to carry out the provisions of the Small Business Investment Act of 1958, as amended, within the limitations of said Act, the Small Business Investment Companies Regulation, as amended, and the Loans to State and Local Development Companies Regulation, as amended.

B. Size determinations. To determine for the purpose of the programs for which he is responsible the concerns which are small businesses within the

meaning of this agency's Small Business Size Standards Regulation.

C. Administrative. 1. To authorize or approve (a) his personal travel and (b) the travel of Washington office employees under his supervision, except travel when actual subsistence expenses are requested.

2. To approve (a) sick and annual leave, except advance sick leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under his supervision.

3. To authorize his personal expenditures for registration fees not in excess of \$25.00 for each registration.

D. Correspondence. To sign all correspondence, except Congressional correspondence, relating to the Investment Program.

II. The authority delegated in I.B. and I.C. 3 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for the Investment Division.

IV. All previous authority delegated by the Administrator to the Deputy Administrator for the Investment Division Delegation of Authority No. 52 (Rev. 2) (24 F.R. 7171) is hereby rescinded without prejudice to actions taken under such delegation prior to the date hereof.

Effective date: June 27, 1960.

PHILIP McCallum,
Administrator.

[F.R. Doc. 60-7281; Filed, Aug. 4, 1960; 8:46 a.m.]

### **CUMULATIVE CODIFICATION GUIDE—AUGUST**

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